2018 DIGEST OF BILLS

Enacted by The Seventy-first General Assembly Second Regular Session



June 2018 Prepared by the Office of Legislative Legal Services

DIGEST

SENATE AND HOUSE BILLS ENACTED BY THE SEVENTY-FIRST GENERAL ASSEMBLY OF THE STATE OF COLORADO

(2018 Second Regular Session)

NOTE: Electronic versions of current and past Digests are available on the Official Colorado State Legislative Home Page at: www.leg.state.co.us, click on the "U.S. & Colorado Constitutions, Statutes, Session Laws, and House and Senate Rules" link.

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PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the <u>Digest of Bills and Concurrent Resolutions</u> as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventy-first General Assembly at its Second Regular Session ending May 9, 2018. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Table of Enacted Bills, beginning on page xv.

2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.

3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xv.

4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xv.

5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.

6. To identify bills that were enacted without a safety clause, refer to page viii.

7. To identify bills that were originally recommended by statutory and interim committees, refer to pages ix and x.

8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2018 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

9. To identify bills that have effective dates of June 30 and later, see the listings beginning on page xi.

10. The general assembly adjourned sine die on the 120th legislative day, May 9, 2018. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Tuesday, August 7, 2018. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 8, 2018, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Tuesday, August 7, 2018.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2017.

Sharon Eubanks, Director Office of Legislative Legal Services Room 091 State Capitol Building Denver, CO 80203-1782 (303) 866-2045

LEGISLATIVE STATISTICAL SUMMARY

	20	18	2017		2016	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	441	267	375	235	468	261
Senate Bills	280	165	306	188	217	126
Concurrent Resolutions	7	5	3	1	9	2
Bills signed by						
Governor	42	21	4	18	38	33
Bills becoming law						
without Governor's	2		3		2	
signature						
Bills partially vetoed by						
the Governor	()	0		()
Bills vetoed by the						
Governor	9		2		2	
Bills referred to the						
People/Ballot questions	1			0	()

BILLS VETOED BY THE GOVERNOR:

H.B. 18-1011	H.B. 18-1181	H.B. 18-1263	S.B. 18-156	S.B. 18-223
H.B. 18-1083	H.B. 18-1258	H.B. 18-1427	S.B. 18-179	

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

H.B. 18-1086 **H.B.** 18-1093

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

none

Bills enacted without a Safety Clause*:

			I		
H.B. 18-1004	H.B. 18-1065	H.B. 18-1142	H.B. 18-1236	H.B. 18-1283	H.B. 18-1360
H.B. 18-1005	H.B. 18-1069	H.B. 18-1144	H.B. 18-1237	H.B. 18-1284	H.B. 18-1361
H.B. 18-1007	H.B. 18-1073	H.B. 18-1145	H.B. 18-1240	H.B. 18-1285	H.B. 18-1362
H.B. 18-1008	H.B. 18-1078	H.B. 18-1147	H.B. 18-1242	H.B. 18-1295	H.B. 18-1363
H.B. 18-1012	H.B. 18-1079	H.B. 18-1148	H.B. 18-1244	H.B. 18-1299	H.B. 18-1366
H.B. 18-1017	H.B. 18-1087	H.B. 18-1152	H.B. 18-1246	H.B. 18-1300	H.B. 18-1369
H.B. 18-1018	H.B. 18-1091	H.B. 18-1154	H.B. 18-1250	H.B. 18-1302	H.B. 18-1371
H.B. 18-1019	H.B. 18-1093	H.B. 18-1155	H.B. 18-1251	H.B. 18-1303	H.B. 18-1372
H.B. 18-1020	H.B. 18-1095	H.B. 18-1156	H.B. 18-1252	H.B. 18-1305	H.B. 18-1373
H.B. 18-1023	H.B. 18-1096	H.B. 18-1174	H.B. 18-1254	H.B. 18-1306	H.B. 18-1374
H.B. 18-1024	H.B. 18-1099	H.B. 18-1181 v	H.B. 18-1255	H.B. 18-1307	H.B. 18-1385
H.B. 18-1025	H.B. 18-1103	H.B. 18-1185	H.B. 18-1257	H.B. 18-1309	H.B. 18-1388
H.B. 18-1026	H.B. 18-1105	H.B. 18-1187	H.B. 18-1258 v	H.B. 18-1313	H.B. 18-1394
H.B. 18-1027	H.B. 18-1108	H.B. 18-1191	H.B. 18-1259	H.B. 18-1314	H.B. 18-1396
H.B. 18-1031	H.B. 18-1112	H.B. 18-1198	H.B. 18-1265	H.B. 18-1315	H.B. 18-1398
H.B. 18-1032	H.B. 18-1117	H.B. 18-1199	H.B. 18-1266	H.B. 18-1320	H.B. 18-1402
H.B. 18-1039	H.B. 18-1130	H.B. 18-1200	H.B. 18-1267	H.B. 18-1324	H.B. 18-1405
H.B. 18-1040	H.B. 18-1134	H.B. 18-1202	H.B. 18-1269	H.B. 18-1334	H.B. 18-1422
H.B. 18-1042	H.B. 18-1135	H.B. 18-1208	H.B. 18-1270	H.B. 18-1350	H.B. 18-1427 v
H.B. 18-1048	H.B. 18-1137	H.B. 18-1211	H.B. 18-1271	H.B. 18-1351	H.B. 18-1430
H.B. 18-1052	H.B. 18-1138	H.B. 18-1217	H.B. 18-1275	H.B. 18-1354	H.B. 18-1431
H.B. 18-1056	H.B. 18-1139	H.B. 18-1226	H.B. 18-1277	H.B. 18-1356	H.B. 18-1434
H.B. 18-1057	H.B. 18-1140	H.B. 18-1228	H.B. 18-1282	H.B. 18-1357	H.B. 18-1437
H.B. 18-1060	H.B. 18-1141	H.B. 18-1233			

HOUSE BILLS

SENATE BILLS

S.B. 18-002	S.B. 18-046	S.B. 18-093	S.B. 18-124	S.B. 18-161	S.B. 18-208
S.B. 18-005	S.B. 18-054	S.B. 18-094	S.B. 18-127	S.B. 18-162	S.B. 18-209
S.B. 18-009	S.B. 18-055	S.B. 18-095	S.B. 18-129	S.B. 18-164	S.B. 18-210
S.B. 18-010	S.B. 18-056	S.B. 18-096	S.B. 18-131	S.B. 18-165	S.B. 18-213
S.B. 18-011	S.B. 18-060	S.B. 18-098	S.B. 18-132	S.B. 18-167	S.B. 18-219
S.B. 18-012	S.B. 18-062	S.B. 18-099	S.B. 18-134	S.B. 18-170	S.B. 18-229
S.B. 18-019	S.B. 18-066	S.B. 18-100	S.B. 18-136	S.B. 18-173	S.B. 18-232
S.B. 18-020	S.B. 18-069	S.B. 18-101	S.B. 18-138	S.B. 18-176	S.B. 18-234
S.B. 18-026	S.B. 18-073	S.B. 18-102	S.B. 18-141	S.B. 18-177	S.B. 18-235
S.B. 18-030	S.B. 18-074	S.B. 18-104	S.B. 18-143	S.B. 18-178	S.B. 18-239
S.B. 18-031	S.B. 18-076	S.B. 18-106	S.B. 18-145	S.B. 18-180	S.B. 18-242
S.B. 18-032	S.B. 18-079	S.B. 18-107	S.B. 18-146	S.B. 18-184	S.B. 18-245
S.B. 18-034	S.B. 18-085	S.B. 18-108	S.B. 18-149	S.B. 18-187	S.B. 18-255
S.B. 18-035	S.B. 18-087	S.B. 18-110	S.B. 18-150	S.B. 18-188	S.B. 18-259
S.B. 18-036	S.B. 18-090	S.B. 18-111	S.B. 18-151	S.B. 18-203	S.B. 18-267
S.B. 18-038	S.B. 18-091	S.B. 18-119	S.B. 18-156 v	S.B. 18-205	S.B. 18-272
S.B. 18-041	S.B. 18-092	S.B. 18-121	S.B. 18-160	S.B. 18-206	S.B. 18-276
S.B. 18-042					

* These bills become effective on August 8, 2018, or on the date otherwise specified in the bill. For further explanation

concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest. (v - vetoed)

Bills enacted and recommended by Statutory and Interim Committees:

Capital Development Committee:					
H.B. 18-1277	H.B. 18-1372	H.B. 18-1374	S.B. 18-208	S.B. 18-267	
H.B. 18-1371	H.B. 18-1373		S.B. 18-232		
Colorado Commission on Uniform State Laws:					
S.B. 18-180					

Committee or	Committee on Legal Services:				
H.B. 18-1023	H.B. 18-1026	H.B. 18-1253	S.B. 18-030	S.B. 18-034	
H.B. 18-1024	H.B. 18-1027	H.B. 18-1375	S.B. 18-031	S.B. 18-035	
H.B. 18-1025	H.B. 18-1075		S.B. 18-032	S.B. 18-036	
County Court	County Courthouse and County Jail Funding and Overcrowding Solutions Interim				
Study Commi	ttee:				
H.B. 18-1132	HJR 18-1012				
Early Childh	ood and School	l Readiness Le	gislative Comn	nission:	
H.B. 18-1134	S.B. 18-099	S.B. 18-162	S.B. 18-163		
Executive Co	mmittee of the	Legislative Co	ouncil:		
H.B. 18-1293	SJR 18-008	SR 18-002			
Joint Budget	Committee (ot	her than supplen	nentals):		
H.B. 18-1100	H.B. 18-1323	H.B. 18-1330	H.B. 18-1337	S.B. 18-195	S.B. 18-253
H.B. 18-1101	H.B. 18-1324	H.B. 18-1331	H.B. 18-1338	S.B. 18-202	S.B. 18-254
H.B. 18-1116	H.B. 18-1325	H.B. 18-1332	H.B. 18-1339	S.B. 18-207	S.B. 18-266
H.B. 18-1171	H.B. 18-1326	H.B. 18-1333	H.B. 18-1340	S.B. 18-225	S.B. 18-276
H.B. 18-1172	H.B. 18-1327	H.B. 18-1334	H.B. 18-1407	S.B. 18-231	S.B. 18-280
H.B. 18-1173	H.B. 18-1328	H.B. 18-1335	H.B. 18-1421		
H.B. 18-1249	H.B. 18-1329	H.B. 18-1336	H.B. 18-1429		
Joint Technol	logy Committe	e:			
S.B. 18-209					
Legislative A	Legislative Audit Committee:				
H.B. 18-1198	S.B. 18-103	S.B. 18-165			
Opioid and O	ther Substance	e Use Disorder	s Interim Stud	y Committee	:
H.B. 18-1003	H.B. 18-1007	H.B. 18-1136	S.B. 18-022	S.B. 18-024	
					v - vetoed

Bills enacted and recommended by Statutory and Interim Committees:

(cont.)					
Police Officer	s' and Firefigh	ters' Pension I	Reform Comm	ission:	
H.B. 18-1031	H.B. 18-1056				
Sales and Use Tax Simplification Task Force:					
H.B. 18-1022					
Sentencing in	the Criminal .	Justice System	Interim Study	Committee:	
H.B. 18-1029 H.B. 18-1287					
Statutory Rev	Statutory Revision Committee:				
H.B. 18-1137	H.B. 18-1144	S.B. 18-090	S.B. 18-096	S.B. 18-111	
H.B. 18-1138	H.B. 18-1145	S.B. 18-091	S.B. 18-098	S.B. 18-121	
H.B. 18-1139	H.B. 18-1354	S.B. 18-092	S.B. 18-102	S.B. 18-127	
H.B. 18-1140	H.B. 18-1356	S.B. 18-093	S.B. 18-106	S.B. 18-129	
H.B. 18-1141	H.B. 18-1369	S.B. 18-094	S.B. 18-107	S.B. 18-131	
H.B. 18-1142		S.B. 18-095	S.B. 18-110	S.B. 18-164	
Transportatio	on Legislation	Review Comm	ittee:		
H.B. 18-1018	H.B. 18-1042				
Treatment of	Persons with N	Mental Illness i	n the Crimina	I Justice System:	
H.B. 18-1040	H.B. 18-1050	S.B. 18-016			
Water Resour	rces Review Co	ommittee:			
H.B. 18-1008	S.B. 18-019	S.B. 18-038	S.B. 18-041		
Wildfire Mat	Wildfire Matters Review Committee:				
H.B. 18-1051	H.B. 18-1051 S.B. 18-039 SJM 18-001				
Young and B	eginning Farm	ers Interim Stu	ıdy Committee	:	
S.B. 18-042					

Sunset Review Process:					
H.B. 18-1146	H.B. 18-1176	H.B. 18-1236	H.B. 18-1240	H.B. 18-1291	
H.B. 18-1147	H.B. 18-1183	H.B. 18-1237	H.B. 18-1256	H.B. 18-1294	
H.B. 18-1155	H.B. 18-1186	H.B. 18-1238	H.B. 18-1265	H.B. 18-1364	
H.B. 18-1174	H.B. 18-1235	H.B. 18-1239			v - vetoed

Acts with June 30, 2018, and later effective dates:

June 30, 2018		
H.B. 18-1094	H.B. 18-1186	

July 1, 2018				
	НО	USE BILLS		
H.B. 18-1006	H.B. 18-1238	H.B. 18-1328	H.B. 18-1343	
H.B. 18-1050	H.B. 18-1256	H.B. 18-1335	H.B. 18-1344	
H.B. 18-1051	H.B. 18-1264	H.B. 18-1336	H.B. 18-1364	
H.B. 18-1218	H.B. 18-1294	H.B. 18-1339	H.B. 18-1381*	
H.B. 18-1235	H.B. 18-1326	H.B. 18-1342		
	SEN	ATE BILLS		
S.B. 18-015	S.B. 18-068	S.B. 18-195	S.B. 18-230	
S.B. 18-024	S.B. 18-179 v	S.B. 18-223 v	S.B. 18-233	

July 17, 2018					
S.B. 18-027*					
v - vetoed					
* - portions only					

Acts with June 30, 2018, and later effective dates: (cont.)

August 8, 202	August 8, 2018						
		HOUSI	E BILLS				
H.B. 18-1004	H.B. 18-1087	H.B. 18-1144	H.B. 18-1240	H.B. 18-1295	H.B. 18-1362		
H.B. 18-1005	H.B. 18-1091	H.B. 18-1145	H.B. 18-1242	H.B. 18-1300	H.B. 18-1363*		
H.B. 18-1008	H.B. 18-1093	H.B. 18-1147	H.B. 18-1244	H.B. 18-1302	H.B. 18-1366		
H.B. 18-1017	H.B. 18-1095	H.B. 18-1152	H.B. 18-1246	H.B. 18-1303	H.B. 18-1369		
H.B. 18-1018	H.B. 18-1096	H.B. 18-1154	H.B. 18-1250	H.B. 18-1305	H.B. 18-1371		
H.B. 18-1019	H.B. 18-1099	H.B. 18-1156	H.B. 18-1251	H.B. 18-1306	H.B. 18-1372		
H.B. 18-1031	H.B. 18-1103	H.B. 18-1174	H.B. 18-1252	H.B. 18-1307	H.B. 18-1373		
H.B. 18-1032	H.B. 18-1105	H.B. 18-1185	H.B. 18-1254	H.B. 18-1309	H.B. 18-1374		
H.B. 18-1039*	H.B. 18-1108	H.B. 18-1187	H.B. 18-1255	H.B. 18-1313	H.B. 18-1385		
H.B. 18-1040	H.B. 18-1112	H.B. 18-1191	H.B. 18-1257	H.B. 18-1314	H.B. 18-1388		
H.B. 18-1042	H.B. 18-1117	H.B. 18-1198	H.B. 18-1258 v	H.B. 18-1315	H.B. 18-1394		
H.B. 18-1048	H.B. 18-1130	H.B. 18-1199	H.B. 18-1259	H.B. 18-1320	H.B. 18-1396		
H.B. 18-1052	H.B. 18-1134	H.B. 18-1200	H.B. 18-1266	H.B. 18-1324	H.B. 18-1398		
H.B. 18-1056	H.B. 18-1135	H.B. 18-1202	H.B. 18-1267	H.B. 18-1334	H.B. 18-1402		
H.B. 18-1060	H.B. 18-1137	H.B. 18-1208	H.B. 18-1270	H.B. 18-1350	H.B. 18-1422		
H.B. 18-1065	H.B. 18-1138	H.B. 18-1217	H.B. 18-1275	H.B. 18-1351	H.B. 18-1430		
H.B. 18-1069	H.B. 18-1139	H.B. 18-1226	H.B. 18-1277	H.B. 18-1356	H.B. 18-1431		
H.B. 18-1073	H.B. 18-1140	H.B. 18-1228	H.B. 18-1282	H.B. 18-1357	H.B. 18-1434		
H.B. 18-1078	H.B. 18-1141	H.B. 18-1236	H.B. 18-1283	H.B. 18-1361	H.B. 18-1437		
H.B. 18-1079	H.B. 18-1142	H.B. 18-1237	H.B. 18-1284				

SENATE BILLS							
S.B. 18-002	S.B. 18-055	S.B. 18-095	S.B. 18-127	S.B. 18-164	S.B. 18-210		
S.B. 18-005	S.B. 18-056*	S.B. 18-096	S.B. 18-129	S.B. 18-165	S.B. 18-213		
S.B. 18-009	S.B. 18-062	S.B. 18-098	S.B. 18-131	S.B. 18-167	S.B. 18-229		
S.B. 18-010	S.B. 18-066	S.B. 18-099	S.B. 18-132	S.B. 18-170	S.B. 18-232		
S.B. 18-011	S.B. 18-069	S.B. 18-100	S.B. 18-134	S.B. 18-173	S.B. 18-234		
S.B. 18-012	S.B. 18-073	S.B. 18-101	S.B. 18-136	S.B. 18-176	S.B. 18-235		
S.B. 18-019	S.B. 18-074	S.B. 18-102	S.B. 18-138	S.B. 18-177	S.B. 18-239		
S.B. 18-020	S.B. 18-079	S.B. 18-104	S.B. 18-141	S.B. 18-178	S.B. 18-242		
S.B. 18-026	S.B. 18-085	S.B. 18-106	S.B. 18-143	S.B. 18-184	S.B. 18-245		
S.B. 18-031	S.B. 18-087	S.B. 18-107	S.B. 18-145	S.B. 18-188	S.B. 18-255		
S.B. 18-038	S.B. 18-090	S.B. 18-110	S.B. 18-149	S.B. 18-203	S.B. 18-267		
S.B. 18-041	S.B. 18-091	S.B. 18-111	S.B. 18-150*	S.B. 18-205	S.B. 18-272		
S.B. 18-042	S.B. 18-092	S.B. 18-119	S.B. 18-151	S.B. 18-206	S.B. 18-276		
S.B. 18-046	S.B. 18-093	S.B. 18-121	S.B. 18-160	S.B. 18-208			
S.B. 18-054	S.B. 18-094	S.B. 18-124	S.B. 18-162	S.B. 18-209*			
v - vetoed * - portions only							

Acts with June 30, 2018, and later effective dates: (cont.)

August 15, 2018	August 15, 2018							
H.B. 18-1269								
September 1, 2018								
H.B. 18-1020 H.B. 18-1128	H.B. 18-1155 H.B. 18-1181v	H.B. 18-1265 H.B. 18-1405	S.B. 18-076 S.B. 18-161					
October 1, 2018								
H.B. 18-1023 H.B. 18-1024 H.B. 18-1025 H.B. 18-1026	H.B. 18-1027 H.B. 18-1354 H.B. 18-1360 H.B. 18-1375*	S.B. 18-030 S.B. 18-032 S.B. 18-034	S.B. 18-035 S.B. 18-036 S.B. 18-219					

November 1, 2018				
H.B. 18-1418*		S.B. 18-060		
January 1, 2019				
H.B. 18-1007 H.B. 18-1012 H.B. 18-1148 H.B. 18-1211	H.B. 18-1233 H.B. 18-1271 H.B. 18-1285	S.B. 18-056* S.B. 18-108 S.B. 18-146 S.B. 18-156v	S.B. 18-180 S.B. 18-187 S.B. 18-243* S.B. 18-259	
July 1, 2019				
H.B. 18-1057 H.B. 18-1299	H.B. 18-1363* H.B. 18-1381*	S.B. 18-150* S.B. 18-209*	S.B. 18-243*	
September 1, 2019				
H.B. 18-1427 v				
July 1, 2022				
H.B. 18-1039*				
* - portions only v - vetoed				

TABLE OF ENACTED HOUSE BILLS

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1002	Hamner, Coram	Rural School District Teaching Fellowship Programs	Approved 5/25/2018	5/25/2018	257	41
1003	Pettersen, Priola	Opioid Misuse Prevention	Approved 5/21/2018	5/21/2018	224	111
1004	Coleman, Tate	Continue Child Care Contribution Tax Credit	Approved 5/30/2018	No Safety Clause	327	200
1005	Pettersen, Priola	Notice To Students Of Postsecondary Courses	Approved 3/22/2018	No Safety Clause	54	42
1006	Hamner, Gardner	Infant Newborn Screening	Approved 6/4/2018	7/1/2018	368	113
1007	Kennedy, Lambert	Substance Use Disorder Payment & Coverage	Approved 5/21/2018	No Safety Clause 1/1/2019	225	120
1008	Esgar, Donovan	Mussel-free Colorado Act	Approved 4/23/2018	No Safety Clause	137	158
1010	Lee, Coram	DHS Report Data & Add Members To Working Group	Approved 3/7/2018	3/7/2018	25	135
1011	Pabon, Neville T.	Marijuana Business Allow Publicly Traded Owners	Vetoed 6/5/2018			168
1012	Becker J., Lundberg	Vision Care Plans Carriers Eye Care Providers	Approved 3/29/2018	No Safety Clause 1/1/2019	79	142
1017	Michaelson Jenet, Gardner	Psychology Interjurisdictional Compact	Approved 4/12/2018	No Safety Clause	133	93
1018	Carver, Zenzinger	Human Trafficking Commercial Driver's License	Approved 4/12/2018	No Safety Clause	117	152
1019	Foote, Priola	K-12 Accreditation Weighted Factors	Approved 5/29/2018	No Safety Clause	306	42
1020	Herod, Kagan	Civil Forfeiture Reforms	Approved 5/29/2018	No Safety Clause 9/1/2018	307	31
1022	Sias, Jahn	DOR Issue Sales Tax Request For Information	Approved 3/1/2018	3/1/2018	10	200
1023	Herod, Gardner	Relocate Title 12 Marijuana To New Title 44	Approved 3/22/2018	No Safety Clause 10/1/2018	55	169

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1024	Lee, Kagan	Relocate Title 12 Racing to New Title 44	Approved 3/7/2018	No Safety Clause 10/1/2018	26	192
1025	Herod, Cooke	Relocate Title 12 Liquor Laws To Title 44	Approved 4/16/2018	No Safety Clause 10/1/2018	152	192
1026	Herod, Cooke	Relocate Title 12 Liquor Division Fund To Title 44	Approved 3/7/2018	No Safety Clause 10/1/2018	24	193
1027	Wist, Kagan	Relocate Title 24 Lottery To New Title 44	Approved 3/15/2018	No Safety Clause 10/1/2018	31	193
1028	Kraft-Tharp, Court	AG Deceptive Practice Court Order	Approved 3/15/2018	3/15/2018	42	13
1029	Weissman, Lundberg	Lowering Mandatory Parole From 5 Years To 3 Years	Approved 4/23/2018	4/23/2018	153	31
1031	Melton, Cooke	Employer Entry FPPA Defined Benefit System	Approved 3/1/2018	No Safety Clause	5	76
1032	Kennedy, Fields	Access Med Records State EMS Patient Care Database	Approved 3/22/2018	No Safety Clause	63	114
1039	Ransom, Gardner	Change Date Of Regular Special District Elections	Approved 3/15/2018	No Safety Clause Portions on 8/8/2018 and 7/1/2022	29	79
1040	Benavidez, Fields	Inmate Treatment Incentive Plans	Approved 5/4/2018	No Safety Clause	199	17
1041	Catlin, Coram	Crime Of Cruelty To Certified Police Working Horse	Approved 3/7/2018	3/7/2018	19	31
1042	Becker J., Scott	Private Interstate Commercial Vehicle Registration	Approved 6/6/2018	No Safety Clause	375	152
1045	Singer, Tate	Dental Hygienist Apply Silver Diamine Fluoride	Approved 3/22/2018	3/22/2018	67	169
1047	Lontine, Gardner	Fair Campaign Practices Act Technical Changes	Approved 4/23/2018	4/23/2018	155	66
1048	McLachlan, Coram	Fort Lewis College Spending Hesperus Account	Approved 3/7/2018	No Safety Clause	27	57
1049	Thurlow, Scott	DHS Authority To Lease Grand Junction Regional Ctr	Approved 4/12/2018	4/12/2018	134	135

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1050	Singer, Fields	Competency To Proceed Juvenile Justice System	Approved 3/22/2018	7/1/2018	56	10
1051	Hamner, Coram	Statutory Provisions Extinguish Unattended Fires	Approved 3/22/2018	7/1/2018	57	72
1052	Lundeen, Todd	Exception To 2-year Higher Education Service Areas	Approved 3/22/2018	No Safety Clause	48	57
1056	Van Winkle, Cooke	FPPA Statewide Standard Health History Form	Approved 4/12/2018	No Safety Clause	116	76
1057	McKean, Coram	Disclosure Of Information For Asset Recovery	Approved 5/29/2018	No Safety Clause July 1, 2019	314	25
1060	Danielson, Crowder	Income Tax Deduction For Mil Retirement Benefits	Approved 5/29/2018	No Safety Clause	271	200
1064	Michaelson Jenet, Coram	Training Prog Prevention Child Sexual Abuse	Approved 5/24/2018	5/24/2018	245	10
1065	Beckman, Lambert	DHS Employee Discipline Harm To Vulnerable Persons	Approved 4/23/2018	No Safety Clause	142	93
1066	Willett, Cooke	Clarify Sexually Exploitative Material Discovery	Approved 3/22/2018	3/22/2018	58	32
1069	Arndt, Coram	Reclaimed Water Use For Toilet Flushing	Approved 4/30/2018	No Safety Clause	179	114
1070	Young, Scott	Additional Public School Cap Construction Funding	Approved 5/30/2018	5/30/2018	322	42
1073	Gray, Gardner	Water Dist Ability Contract Water Assets	Approved 3/22/2018	No Safety Clause	64	213
1075	Lee, Kagan	Enactment of CRS 2017	Approved 3/1/2018	3/1/2018	11	195
1077	Liston, Garcia	Penalty For Burglary Of Firearms	Approved 6/6/2018	6/6/2018	376	32
1078	Landgraf, Gardner	Court Programs For Veterans	Approved 4/12/2018	No Safety Clause	135	25
1079	Beckman, Crowder	Recommend Use Of State's Long-term Works Reserve	Approved 3/1/2018	No Safety Clause	12	136
1083	Kraft-Tharp, Tate	On-demand Air Carriers Sales & Use Tax Exemption	Vetoed 6/5/2018			200

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1086	Buckner, Neville T.	Community Coll Bachelor Science Degree Nursing	Became Law 3/24/2018	3/24/2018	70	115
1087	Thurlow, Kagan	CDPS Authority To Repeal Rules	Approved 3/15/2018	No Safety Clause	32	94
1091	Beckman, Smallwood	Dementia Diseases & Related Disabilities	Approved 3/29/2018	No Safety Clause	74	115
1093	Arndt, Coram	Reclaimed Water Use For Edible Crops	Became Law 4/28/2018	No Safety Clause	171	115
1094	Herod, Martinez Humenik	Children And Youth Mental Health Treatment Act	Approved 5/30/2018	6/30/2018	343	130
1095	Carver, Gardner	Educator License Requirements Military Spouses	Approved 3/22/2018	No Safety Clause	47	43
1096	Gray, Priola	Special Event Permit Alcohol Beverages	Approved 3/15/2018	No Safety Clause	33	194
1098	Saine, Marble	Roll Over Year-end Balance Envtl Response Account	Approved 4/9/2018	4/9/2018	107	159
1099	Catlin, Coram	Broadband Deployment Level Playing Field	Approved 4/2/2018	No Safety Clause	92	184
1100	Hamner, Lambert	Educator Licensure Cash Fund	Approved 3/15/2018	3/15/2018	40	94
1101	Hamner, Lambert	Retail Marijuana Sales Tax Approps For Schools	Approved 3/15/2018	3/15/2018	43	43
1103	McLachlan, Coram	Local Government Off-highway Vehicle Regulation	Approved 3/29/2018	No Safety Clause	80	159
1104	Danielson, Moreno	Family Preservation For Parents With Disability	Approved 4/25/2018	4/25/2018	164	10
1105	Liston, Tate	Motor & Powersports Vehicle License Requirement	Approved 3/7/2018	No Safety Clause	28	169
1108	Danielson, Todd	Commission Deaf Hard Of Hearing Deafblind	Approved 5/29/2018	No Safety Clause	303	136
1109	Weissman, Cooke	Discretionary Parole Of Special Needs Offenders	Approved 4/23/2018	4/23/2018	139	17
1112	Becker J., Crowder	Pharmacist Health Care Services Coverage	Approved 4/9/2018	No Safety Clause	112	142

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1116	Rankin, Moreno	Broadband Deployment Board Apply For Federal Funds	Approved 1/29/2018	1/29/2018	2	184
1117	Van Winkle, Tate	Self-service Storage Facility Personal Prop Liens	Approved 3/22/2018	No Safety Clause	68	177
1128	Wist, Lambert	Protections For Consumer Data Privacy	Approved 5/29/2018	9/1/2018	266	32
1130	Williams D., Gardner	School District-authorized Instructors	Approved 3/29/2018	No Safety Clause	76	43
1132	Michaelson Jenet, Crowder	Increase DOC Reimbursement To County Jails	Approved 4/25/2018	4/25/2018	163	32
1134	Pettersen, Merrifield	Use Of Colorado Preschool Program Positions	Approved 4/9/2018	No Safety Clause	108	44
1135	Kraft-Tharp, Tate	Extend Advanced Industry Export Acceleration Prog	Approved 5/29/2018	No Safety Clause	304	94
1136	Pettersen, Priola	Substance Use Disorder Treatment	Approved 6/5/2018	6/5/2018	373	121
1137	McKean, Zenzinger	Reporting Requirements DOT & DPS To GA	Approved 3/29/2018	No Safety Clause	84	209
1138	Arndt, Zenzinger	Public Official Oaths & Affirmations	Approved 4/2/2018	No Safety Clause	88	95
1139	Hooton, Zenzinger	Reporting Requirements For Park Fees Set By Rule	Approved 3/29/2018	No Safety Clause	71	160
1140	McKean, Moreno	Public Official Personal Surety Bonds	Approved 3/15/2018	No Safety Clause 8/8/2018	41	95
1141	Hooton, Zenzinger	Modernize Early Childhood Council Language	Approved 3/22/2018	No Safety Clause	59	136
1142	Hooton, Martinez Humenik	Remove Term "Pauper" From C.R.S.	Approved 3/22/2018	No Safety Clause	65	73
1144	Thurlow, Tate	Update Publishing Reqmnt DOR Taxes Paid Table	Approved 3/1/2018	No Safety Clause	17	201
1145	Hooton, Moreno	Enjoined Laws On Ballot Issue Petition Circulators	Approved 4/9/2018	No Safety Clause	113	67
1146	Melton, Coram	Sunset Measurement Standards Law	Approved 6/6/2018	6/6/2018	377	3

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1147	Ginal, Coram	Sunset Process Weather Modification	Approved 4/26/2018	No Safety Clause	166	160
1148	Michaelson Jenet, Crowder	Stage Four Advanced Metastatic Cancer Step Therapy	Approved 4/9/2018	No Safety Clause 1/1/2019	109	142
1152	Lawrence, Cooke	Judicial Admin & Budget Records Subject To CORA	Approved 5/29/2018	No Safety Clause	281	26
1154	Hooton, Jahn	Protect Consumer Solicit Pub Record Copy For Fee	Approved 4/12/2018	No Safety Clause	136	13
1155	Singer, Martinez Humenik	Sunset Continue Physical Therapy Board Functions	Approved 5/29/2018	No Safety Clause September 1, 2018	315	170
1156	Lee, Holbert	Limit Penalties For Juvenile Truancy	Approved 6/6/2018	No Safety Clause	378	44
1158	Hamner, Lambert	Supplemental Approp - Dept Of Corr	Approved 3/29/2018	3/29/2018	411	5
1159	Hamner, Lambert	Supplemental Approp - Dept Of Ed	Approved 3/1/2018	3/1/2018	412	5
1160	Hamner, Lambert	Supplemental Approp - Dept Of Gov, Lt. Gov, OSPB	Approved 3/1/2018	3/1/2018	413	5
1161	Hamner, Lambert	Supplemental Approp - Dept Of HCPF	Approved 3/1/2018	3/1/2018	414	5
1162	Hamner, Lambert	Supplemental Approp - Dept Of Hum Serv	Approved 3/1/2018	3/1/2018	415	6
1163	Hamner, Lambert	Supplemental Approp - Judicial Dept	Approved 3/1/2018	3/1/2018	416	6
1164	Hamner, Lambert	Supplemental Approp - Dept Of Personnel	Approved 3/1/2018	3/1/2018	417	6
1165	Hamner, Lambert	Supplemental Approp - Dept Of Public Safety	Approved 3/1/2018	3/1/2018	418	6
1166	Hamner, Lambert	Supplemental Approp - Dept Of Reg Agencies	Approved 3/1/2018	3/1/2018	419	6
1167	Hamner, Lambert	Supplemental Approp - Dept Of Rev	Approved 3/1/2018	3/1/2018	420	6
1168	Hamner, Lambert	Supplemental Approp - Dept Of State	Approved 3/1/2018	3/1/2018	421	7

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1169	Hamner, Lambert	Supplemental Approp - Dept Of Treasury	Approved 3/1/2018	3/1/2018	422	7
1170	Hamner, Lambert	Supplemental Approp - Capital Constr	Approved 3/1/2018	3/1/2018	423	7
1171	Hamner, Lundberg	School Finance Mid-year Adjustment To Funding	Approved 3/29/2018	3/29/2018	81	44
1172	Young, Lambert	Money Allocated To Designated Managed Service Org	Approved 4/9/2018	4/9/2018	110	95
1173	Rankin, Lambert	Suppl Gen Fund Transfer Info Tech Cap Constr Acct	Approved 3/1/2018	3/1/2018	13	96
1174	Arndt, Priola	Sunset Continue Bd Of Mortgage Loan Originators	Approved 5/29/2018	No Safety Clause	282	171
1176	Lee, Cooke	Sunset Offender Reentry Grant Program	Approved 5/30/2018	5/30/2018	321	18
1181	Liston, Tate	Nonresident Electors & Special Districts	Vetoed 6/1/2018			79
1183	Hooton, Baumgardner	Sunset Repeal Dept Ag Regulation Home Sale Of Meat	Approved 3/22/2018	3/22/2018	60	3
1184	Exum, Aguilar	Create Next Generation 911 Board	Approved 5/29/2018	5/29/2018		184
1185	Kraft-Tharp, Neville T.	Market Sourcing For Bus Inc Tax Apportionment	Approved 6/4/2018	No Safety Clause	369	201
1186	Wilson, Marble	Sunset Review CO Youth Advisory Council	Approved 4/30/2018	6/30/2018	175	96
1187	Buckner, Cooke	FDA Approved Cannabidiol Drug Use	Approved 6/4/2018	No Safety Clause	367	116
1189	Pettersen, Hill	Expanding Effective Teacher Residency Programs	Approved 5/30/2018	5/30/2018	323	45
1190	Esgar, Tate	Modify Job Creation Main Street Revitalization Act	Approved 5/30/2018	Portions on 5/30/2018 and 1/1/2020	344	202
1191	Winter, Martinez Humenik	Local Government Alter Speed Limits	Approved 4/23/2018	No Safety Clause	156	153

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1193	Wilson, Scott	Extend Advanced Placement Incentives Program	Approved 5/3/2018	5/3/2018	198	57
1196	Exum, Todd	Applications For Aid To The Needy Disabled Prog	Approved 3/29/2018	3/29/2018	82	136
1198	Saine, Donovan	Best Practices For State Boards & Commissions	Approved 4/23/2018	No Safety Clause	145	96
1199	Catlin, Coram	Aquifer Storage-and-recovery Plans	Approved 4/9/2018	No Safety Clause	106	213
1200	Lundeen, Coram	Cybercrime Changes	Approved 6/6/2018	No Safety Clause	379	33
1202	Garnett, Gardner	Income Tax Credit Leave Of Absence Organ Donation	Approved 5/29/2018	No Safety Clause	310	203
1208	Duran, Martinez Humenik	Expand Child Care Expenses Income Tax Credit	Approved 5/22/2018	No Safety Clause	227	203
1210	Foote, Cooke	Admr Of Judicial Security Peace Officer Status	Approved 3/22/2018	3/22/2018	69	33
1211	Wist, Smallwood	Medicaid Fraud Control Unit	Approved 4/25/2018	No Safety Clause 1/1/2019	159	122
1217	Van Winkle, Gardner	Income Tax Credit For Employer 529 Contributions	Approved 5/29/2018	No Safety Clause	287	203
1218	Carver, Crowder	Definition Of Veterans' Orgs For Sales & Use Tax	Approved 6/6/2018	7/1/2018	380	204
1224	Willett, Gardner	Licensee Discipline Mediation State Agency	Approved 5/29/2018	5/29/2018	288	171
1226	Everett, Smallwood	Higher Ed Review Degree Program Costs & Outcomes	Approved 5/24/2018	5/24/2018	246	58
1227	Herod, Cooke	Real Estate Commn Flexibility In License Periods	Approved 4/23/2018	4/23/2018	154	172
1228	Everett, Garcia	Transparency In Military Higher Education Statutes	Approved 4/9/2018	No Safety Clause	103	58
1233	Duran, Fenberg	Consumer Reporting Agency Security Freeze Minors	Approved 3/29/2018	No Safety Clause 1/1/2019	75	14
1234	Becker K., Gardner	Internet Sweepstakes Café Revise Legal Terms	Approved 6/6/2018	6/6/2018	381	33

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1235	Hansen, Scott	Sunset Custom Meat Processing	Approved 5/4/2018	7/1/2018	208	3
1236	McLachlan, Baumgardner	Sunset Food Systems Advisory Council	Approved 5/30/2018	No Safety Clause	340	3
1237	Kraft-Tharp, Neville T.	Sunset Continue Cost-benefit Analysis For Rules	Approved 4/25/2018	No Safety Clause	165	172
1238	Jackson, Marble	Sunset Wildland-urban Interface Training Adv Bd	Approved 4/9/2018	7/1/2018	111	96
1239	Landgraf, Scott	Sunset Envtl Management System Permit Program	Approved 4/12/2018	4/12/2018	114	116
1240	Bridges, Cooke	Sunset Auto Theft Prevention Authority & Board	Approved 5/4/2018	No Safety Clause	209	153
1242	Becker K., Crowder	Change Salary Categorizations For Certain Counties	Approved 4/23/2018	No Safety Clause	141	73
1243	Foote, Coram	Civil Rape Shield Law	Approved 4/25/2018	4/25/2018	160	26
1244	Danielson, Todd	Honor The Service Of Submarine Veterans	Approved 6/1/2018	No Safety Clause	358	154
1246	Danielson, Coram	Modernization Of The Nursery Act	Approved 4/9/2018	No Safety Clause	105	4
1249	Rankin, Lundberg	Anvil Points Fed Mineral Lease Distribution	Approved 3/22/2018	3/22/2018	51	96
1250	Kraft-Tharp, Priola	Analysis To Improve Compliance With Rules By Bus	Approved 5/3/2018	No Safety Clause	195	97
1251	Lee, Kagan	Community Corrections Transition Placements	Approved 5/29/2018	No Safety Clause	272	19
1252	Roberts, Priola	Unlawful Sale Of Academic Assignments	Approved 5/29/2018	No Safety Clause	276	59
1253	Lee, Gardner	Rule Review Bill	Approved 5/11/2018	5/11/2018	212	1
1254	Van Winkle, Smallwood	Public Trustee Deed Of Trust Foreclosure Sales	Approved 4/23/2018	No Safety Clause	138	177
1255	Duran, Cooke	Childhood Cancer Awareness Special License Plate	Approved 5/22/2018	No Safety Clause	226	154

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1256	Duran, Gardner	Sunset Continue Civil Rights Division & Commission	Approved 5/22/2018	7/1/2018	229	97
1257	Rosenthal, Cooke	Correction To House Bill16-1316 Reinsert "Not"	Approved 5/3/2018	No Safety Clause	197	11
1258	Singer, Neville T.	Marijuana Accessory Consumption Establishments	Vetoed 6/4/2018			173
1259	Gray, Marble	Marijuana Sample For Quality Product Development	Approved 4/30/2018	No Safety Clause	180	173
1263	Hooton, Coram	Medical Marijuana Use For Autism And Acute Pain	Vetoed 6/5/2018			173
1264	Jackson, Cooke	Changes To Revenge Porn Crimes	Approved 5/3/2018	7/1/2018	192	34
1265	Lontine, Crowder	Sunset Continue Stroke Advisory Board	Approved 5/4/2018	No Safety Clause 9/1/2018	205	116
1266	Esgar, Hill	Career Development Success Program Expansion	Approved 6/5/2018	No Safety Clause	374	46
1267	Gray, Tate	Income Tax Credit For Retrofitting Home For Health	Approved 5/30/2018	No Safety Clause	345	204
1268	Gray, Gardner	Recall Petition Election Special District Director	Approved 5/4/2018	5/4/2018	200	67
1269	Lundeen, Hill	Parent Notice For Student Safety And Protection	Approved 5/29/2018	No Safety Clause 8/15/2018	268	46
1270	Hansen, Tate	PUC Evaluation Of Energy Storage Systems	Approved 6/1/2018	No Safety Clause	360	185
1271	Gray, Tate	PUC Elec Util Economic Development Rates	Approved 6/1/2018	No Safety Clause 1/1/2019	362	185
1275	Bridges, Kagan	Repeal Craig Hospital License Plate Donation	Approved 4/26/2018	No Safety Clause	168	154
1277	Becker J., Baumgardner	BEST Fin Assistance Grant Application Reqmnts	Approved 5/29/2018	No Safety Clause	283	47
1280	Melton, Coram	Court Appointees For Marijuana Businesses	Approved 5/15/2018	5/15/2018	213	174
1282	Lontine, Smallwood	Hlth Care Provider Unique ID Per Site Or Service	Approved 4/25/2018	No Safety Clause	158	117

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1283	Benavidez, Neville T.	Classify Residential Land Change In Improvements	Approved 5/29/2018	No Safety Clause	270	204
1284	Buckner, Martinez Humenik	Disclosure Of Prescription Costs At Pharmacies	Approved 4/30/2018	No Safety Clause	181	143
1285	Pabon, Smallwood	Remuneration-exempt Disability Parking Placard	Approved 5/29/2018	No Safety Clause 1/1/2019	265	154
1286	Roberts, Aguilar	School Nurse Give Medical Marijuana At School	Approved 6/4/2018	6/4/2018	365	47
1287	Weissman, Cooke	Reauthorize Commn Crim & Juv Jus	Approved 5/30/2018	5/30/2018	318	34
1291	Winter, Sonnenberg	Sunset Conservation Easement Oversight Commission	Approved 5/29/2018	5/29/2018	273	178
1293	Duran, Grantham	FY 18-19 Legislative Appropriation Bill	Approved 4/9/2018	4/9/2018	410	7
1294	Lontine, Crowder	Sunset Continue Reg Nursing Home Administrators	Approved 5/29/2018	7/1/2018	277	174
1295	Salazar, Coram	Hemp Products Deemed Not Adulterated Or Misbranded	Approved 5/30/2018	No Safety Clause	341	4
1296	Melton, Marble	Unattended Motor Vehicles Remote Starter Systems	Approved 5/29/2018	5/29/2018	296	155
1299	Bridges, Scott	Electronic Filing Title Registration Motor Vehicle	Approved 5/29/2018	No Safety Clause 7/1/2019	297	155
1300	Young, Marble	Bachelor Nursing Completion Degree Local Dist Coll	Approved 5/29/2018	No Safety Clause	278	59
1302	Ginal, Marble	Toxicology Lab Certification Waiver CDPHE	Approved 6/6/2018	No Safety Clause	382	117
1303	Wist, Tate	Youth Sports Coach Exempt Employment Security Act	Approved 6/6/2018	No Safety Clause	383	146
1305	Coleman, Neville T.	Income Tax Check-off Young Americans Financial Ed	Approved 5/4/2018	No Safety Clause	210	205
1306	Michaelson Jenet, Coram	Improving Educational Stability For Foster Youth	Approved 6/1/2018	No Safety Clause	364	137
1307	Singer, Gardner	Limit Access To Products With Dextromethorphan	Approved 5/11/2018	No Safety Clause	211	34

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1308	Kraft-Tharp, Hill	Workers' Comp Out-of-state Workers Temp In CO	Approved 4/30/2018	4/30/2018	182	146
1309	Coleman, Hill	Programs Addressing Educator Shortages	Approved 5/29/2018	No Safety Clause	269	48
1313	Ginal, Aguilar	Pharmacists To Serve As Practitioners	Approved 6/6/2018	No Safety Clause	384	174
1314	Ginal, Cooke	Drone Interference With Public Safety Operations	Approved 6/6/2018	No Safety Clause	385	98
1315	McLachlan, Kefalas	Manufactured Home Sales Tax Exemption	Approved 5/24/2018	No Safety Clause	240	206
1316	Pabon, Cooke	Extend CDLE WORK Grant Program	Approved 5/24/2018	5/24/2018	241	146
1319	Singer, Gardner	Serv Successful Adulthood Former Foster Youth	Approved 5/18/2018	5/18/2018	217	138
1320	Pabon, Jahn	Deregulation Of Large-market Taxicab Service	Approved 6/1/2018	No Safety Clause	363	185
1321	McKean, Moreno	Efficient Administration Medicaid Transportation	Approved 5/30/2018	5/30/2018	346	122
1322	Hamner, Lambert	2018 Long Bill	Approved 4/30/2018	4/30/2018	424	8
1323	Rankin, Moreno	Pay For Success Contracts Pilot Program Funding	Approved 4/30/2018	4/30/2018	187	98
1324	Hamner, Lundberg	Codify Governor's Commission On Community Service	Approved 4/30/2018	No Safety Clause	188	99
1325	Hamner, Lambert	Digital Trunked Radio System Coverage Gaps	Approved 4/30/2018	4/30/2018	189	99
1326	Young, Lambert	Support For Transition From Institutional Settings	Approved 4/30/2018	7/1/2018	183	123
1327	Young, Moreno	All-payer Health Claims Database	Approved 4/23/2018	4/23/2018	150	123
1328	Young, Lambert	Redesign Residential Child Health Care Waiver	Approved 4/30/2018	Portions on 7/1/2018 and upon notice to the revisor of statutes	184	123

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1329	Rankin, Moreno	Supplemental Payment Durable Medical Equipment	Approved 5/4/2018	5/4/2018	206	124
1330	Young, Moreno	Supplemental Payment Office-administered Drugs Medicaid	Approved 4/23/2018	4/23/2018	146	124
1331	Young, Lundberg	Higher Ed Open Educational Resources	Approved 4/30/2018	4/30/2018	186	59
1332	Hamner, Moreno	Collaborative Educator Preparation Program Grants	Approved 4/30/2018	4/30/2018	185	60
1333	Young, Lambert	Part C Child Find Responsibilities Of CDE & DHS	Approved 4/30/2018	4/30/2018	176	131
1334	Hamner, Lambert	Extend Transitional Jobs Program	Approved 4/30/2018	No Safety Clause	190	138
1335	Young, Lundberg	County Child Care Assistance Program Block Grants	Approved 6/6/2018	7/1/2018	386	125
1336	Young, Lambert	Repeal Loc Gov Retail Marijuana Impact Grant Prog	Approved 4/30/2018	7/1/2018	177	99
1337	Hamner, Lambert	Veterans One-stop Center In Grand Junction	Approved 4/30/2018	4/30/2018	191	148
1338	Rankin, Lambert	Reduced Revenue Sev Tax Operational Fund Transfers	Approved 5/4/2018	5/4/2018	201	100
1339	Rankin, Lambert	Background Checks Employees Access Fed Tax Info	Approved 4/30/2018	7/1/2018	178	100
1340	Hamner, Lambert	Transfers Of Money For State's Infrastructure	Approved 5/30/2018	5/30/2018	347	101
1342	Melton, Todd	Allow Pre-CCIOA HOA Members To Veto HOA Budget	Approved 6/6/2018	7/1/2018	387	180
1343	Lee, Lambert	Veterans' Service-to-career Program	Approved 5/24/2018	7/1/2018	242	147
1344	Weissman, Coram	Relief From Criminal Collateral Consequences	Approved 5/29/2018	7/1/2018	259	35
1346	Singer, Smallwood	Abuse Of Youth Under 21 In Care Of Institution	Approved 5/30/2018	5/30/2018	326	11

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1348	Singer, Gardner	Child Welfare Information & Services	Approved 5/30/2018	5/30/2018	325	139
1349	Ginal, Cooke	Department Of Transportation Waiver Valuations	Approved 5/24/2018	5/24/2018	254	210
1350	Kraft-Tharp, Priola	Machine Tool Sales Tax Exemption For Scrap Metal	Approved 6/6/2018	No Safety Clause	388	206
1351	Valdez, Crowder	Signage For Old Spanish National Historic Trail	Approved 5/29/2018	No Safety Clause	316	101
1353	Lontine, Marble	Defense Counsel In Municipal Court Grant Program	Approved 5/30/2018	5/30/2018	348	26
1354	McKean, Zenzinger	Powersports Vehicle Written Warranties	Approved 5/30/2018	No Safety Clause 10/1/2018	349	174
1355	Pettersen, Gardner	Public Education Accountability System	Approved 5/30/2018	5/30/2018	324	49
1356	Thurlow, Moreno	Add Cross Reference to Failure To Register Crime	Approved 5/24/2018	No Safety Clause	255	35
1357	Michaelson Jenet, Gardner	Behavioral Health Care Ombudsperson Parity Reports	Approved 5/24/2018	No Safety Clause	252	131
1360	Winter, Martinez Humenik	Increase Number Historical Society Board Members	Approved 5/21/2018	No Safety Clause 10/1/2018	220	101
1361	Exum, Williams A.	Eligibility For Veteran Vietnam War License Plate	Approved 5/30/2018	No Safety Clause	342	156
1362	Arndt, Tate	Drunk & Impaired Driving Task Force Membership	Approved 5/29/2018	No Safety Clause	311	156
1363	Singer, Crowder	Recommendations Of Child Support Commission	Approved 6/6/2018	No Safety Clause Portions on 8/8/2018 and 7/1/2019	389	139
1364	Michaelson Jenet, Martinez Humenik	Sunset CO Council Persons With Disabilities	Approved 5/30/2018	7/1/2018	351	140
1366	Roberts, Donovan	Allow Local College Dist To Sell Or Lease Prop	Approved 5/25/2018	No Safety Clause	258	60
1369	Hooton, Moreno	Obsolete References Proposition AA Refund Acct	Approved 5/24/2018	No Safety Clause	253	70

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1371	Esgar, Kefalas	Capital Construction Budget Items	Approved 5/29/2018	No Safety Clause	312	102
1372	Esgar, Kefalas	Exempt Fund From Cap Constr Funding Mechanism	Approved 5/29/2018	No Safety Clause	279	102
1373	Becker J., Baumgardner	Private Entities Use State Telecom Network	Approved 6/6/2018	No Safety Clause	390	102
1374	Hansen, Kefalas	Controlled Maintenance Financed Acquired Prop	Approved 5/24/2018	No Safety Clause	249	102
1375	Willett, Gardner	Revisor's Bill	Approved 5/29/2018	Portions on 5/29/2018 and 10/1/2018	274	195
1379	Pettersen, Hill	Public School Finance	Approved 5/24/2018	5/24/2018	250	51
1381	Gray, Neville T.	Permissive Medical Marijuana Vertical Integration	Approved 5/29/2018	Portions on 7/1/2018 and 7/1/2019	284	175
1385	Roberts, Coram	Domestic Relations Changes Due To Federal Tax Law	Approved 5/24/2018	No Safety Clause	251	11
1388	Garnett, Tate	Exempt Reqmnt Register Security If Notice Filing	Approved 5/29/2018	No Safety Clause	280	69
1389	Gray, Neville T.	Centralized Marijuana Distribution Permit	Approved 5/24/2018	5/24/2018	247	175
1393	Hamner, Gardner	Effective Implementation Of READ Act	Approved 5/29/2018	5/29/2018	275	52
1394	Singer, Kefalas	Update Colorado Disaster Emergency Act	Approved 5/24/2018	No Safety Clause	234	103
1396	Buckner, Moreno	Advanced Placement Exam Fee Grant Program	Approved 5/24/2018	7/1/2018	243	54
1398	Gray, Gardner	Statute Of Limitations Domestic Violence Torts	Approved 5/30/2018	No Safety Clause	350	27
1400	Becker K., Scott	Increase Fees Stationary Sources Air Pollutants	Approved 5/18/2018	5/18/2018	218	117
1402	Lawrence, Gardner	State Treasurer Investment Authority	Approved 6/6/2018	No Safety Clause	391	104

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1405	Lee, Gardner	Providers Of Legal Services Reporting Exception	Approved 6/6/2018	No Safety Clause 9/1/2018	392	35
1407	Young, Lambert	Access To Disability Services And Stable Workforce	Approved 5/24/2018	5/24/2018	248	125
1409	Lee, Lundberg	Crime Survivors Grant Program & Presumptive Parole	Approved 5/24/2018	5/24/2018	244	20
1410	Lee, Lundberg	Prison Population Management Measures	Approved 6/6/2018	6/6/2018	394	20
1411	Pabon, Smallwood	Employees Working With Vulnerable Persons	Approved 5/24/2018	5/24/2018	238	140
1412	Buckner, Hill	Retaining Teachers Grant Program	Approved 5/24/2018	5/24/2018	239	54
1413	Lee, Zenzinger	Create School Safety Grant Program	Approved 5/24/2018	5/24/2018	237	104
1418	Weissman, Coram	Use Of Criminal Convictions In Employment	Approved 5/30/2018	Portions on 5/30/2018 and 11/1/2018	352	104
1421	Rankin, Lambert	Procurement Process For Major IT Projects	Approved 6/6/2018	6/6/2018	395	105
1422	Gray, Jahn	Marijuana Testing Facilities Standards	Approved 6/6/2018	No Safety Clause	396	175
1423	Valdez, Crowder	Rural Fire Protection District Equipment Grants	Approved 5/23/2018	5/23/2018	230	77
1427	Herod, Sonnenberg	Sex Offender Management Board Interest Conflicts	Vetoed 6/4/2018			36
1429	Hamner, Lambert	Workers' Comp Cash Fund Maximum Reserve Exemption	Approved 6/6/2018	6/6/2018	398	106
1430	Van Winkle, Lundberg	State Agency Long-range Financial Plan	Approved 6/1/2018	No Safety Clause	356	106
1431	Ginal, Smallwood	Statewide Managed Care System	Approved 5/29/2018	No Safety Clause	313	126
1433	Gray, Tate	Naturopathic Doctor Terminology & Disclosure	Approved 5/29/2018	5/29/2018	317	176

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1434	Singer, Gardner	Safe2tell Program New Duties & Annual Report	Approved 5/24/2018	No Safety Clause	235	106
1437	Herod, Neville T.	Costs Of College-level Courses In Corr Educ Prog	Approved 6/6/2018	No Safety Clause	399	21
1441	Kraft-Tharp, Holbert	500-feet-from-school Limit For Beer Code Retailers	Approved 5/24/2018		236	176

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001	Baumgardner, Buck	Transportation Infrastructure Funding	Approved 5/31/2018	Portions on 5/31/2018 and on the date of the official declaration of the vote by the governor	353	207
002	Coram, Becker K.	Financing Rural Broadband Deployment	Approved 4/2/2018	No Safety Clause	89	182
003	Scott, Hansen	Colorado Energy Office	Approved 6/1/2018	6/1/2018	359	81
005	Donovan, Roberts	Rural Economic Advancement Of Colorado Towns	Approved 3/22/2018	No Safety Clause	53	81
007	Tate, Duran	Affordable Housing Tax Credit	Approved 5/22/2018	5/22/2018	228	196
009	Fenberg, Winter	Allow Elec Util Cust Install Energy Storage Equip	Approved 3/22/2018	No Safety Clause	45	183
010	Martinez Humenik, Exum	Residential Lease Copy & Rent Receipt	Approved 3/22/2018	No Safety Clause	61	177
011	Holbert, Kraft-Tharp	Students Excused From Taking State Assessments	Approved 4/12/2018	No Safety Clause	119	37
012	Hill, Pettersen	Military Enlistment School Performance Indicator	Approved 5/29/2018	No Safety Clause	305	37
013	Fields, Michaelson Jenet	Expand Child Nutrition School Lunch Protection Act	Approved 5/29/2018	5/29/2018	267	37
014	Cooke, Wist	DOC Disclose Location Of Out-of-state Inmate	Approved 4/23/2018	4/23/2018	151	15
015	Gardner, Williams D.	Protecting Homeowners & Deployed Military	Approved 6/6/2018	7/1/2018	393	22
016	Martinez Humenik, Singer	Fund Transitioning From Crim & Juv Justice Sys	Approved 5/30/2018	5/30/2018	334	15
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019	Donovan, Hansen	Expanded Duration For CWRPDA Revolving Loans	Approved 3/1/2018	No Safety Clause	6	211
020	Garcia, Esgar	Registered Psychotherapists Auricular Acudetox	Approved 3/22/2018	No Safety Clause	52	162
022	Tate, Pettersen	Clinical Practice For Opioid Prescribing	Approved 5/21/2018	5/21/2018	221	162
024	Jahn, Singer	Expand Access Behavioral Health Care Providers	Approved 5/21/2018	7/1/2018	222	108
025	Priola, Coleman	Urban Drainage Flood Control District Elections	Approved 3/7/2018	3/7/2018	22	62
026	Kagan, Herod	Make Sex Offender Registration More Effective	Approved 4/23/2018	No Safety Clause	143	28
027	Smallwood, Kraft-Tharp	Enhanced Nurse Licensure Compact	Approved 1/18/2018	Portions on 1/18/2018 and 7/17/2018	1	162
028	Scott, Bridges	Motor Vehicle License Plate Mounting Requirements	Approved 3/29/2018	3/29/2018	85	150
030	Holbert, Foote	Relocate Auto Industry Division To Title 44	Approved 3/1/2018	No Safety Clause 10/1/2018	7	187
031	Gardner, Foote	Title 12 Recodification Study One-year Extension	Approved 5/29/2018	No Safety Clause	285	70
032	Gardner, Foote	Title 12 Relocation	Approved 3/1/2018	No Safety Clause 10/1/2018	8	22
033	Sonnenberg, Arndt	Animal Feeding Operation Permits Continuation	Approved 5/29/2018	5/29/2018	289	108
034	Cooke, Wist	Relocate Title 12 Gaming To New Title 44	Approved 3/1/2018	No Safety Clause 10/1/2018	14	187
035	Gardner, Wist	Relocate Title 24 Gambling Intercept To Title 44	Approved 3/1/2018	No Safety Clause 10/1/2018	15	187
036	Kagan, Wist	Relocate Title 24 Tobacco Sales Minors To Title 44	Approved 3/15/2018	No Safety Clause 10/1/2018	34	188
038	Donovan, Esgar	Reclaimed Water Use On Industrial Hemp	Approved 6/6/2018	No Safety Clause	400	109

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039	Jones, Thurlow	Continue The Wildfire Matters Review Committee	Approved 5/18/2018	5/18/2018	219	70
041	Coram, Saine	Authorize Water Use Incidental Sand & Gravel Mines	Approved 3/1/2018	No Safety Clause	9	211
042	Donovan, Catlin	Agricultural Workforce Development Program	Approved 5/24/2018	No Safety Clause	231	2
046	Moreno, Michaelson Jenet	Special License Plate Nonprofit Donation	Approved 3/22/2018	No Safety Clause	46	150
050	Smallwood, Coleman	Free-standing Emergency Facility As Safe Haven	Approved 3/7/2018	3/7/2018	20	28
054	Crowder, Liston	Cap Fee Increases Assisted Living Residences	Approved 3/1/2018	No Safety Clause	16	109
055	Neville T., Van Winkle	Increase Surcharge For Trafficking Children	Approved 4/23/2018	4/23/2018	147	28
056	Jahn, Lee	Civil Jurisdiction Of County Courts & Filing Fees	Approved 5/29/2018	No Safety Clause Portions on 8/8/2018 and 1/1/2019	298	22
060	Coram, Hamner	Protective Orders In Criminal Cases	Approved 3/22/2018	No Safety Clause 11/1/2018	50	29
062	Moreno, Melton	Snow Removal Service Liability Limitation	Approved 5/30/2018	No Safety Clause	328	23
066	Sonnenberg, Arndt	Extend Operation Of State Lottery Division	Approved 4/30/2018	No Safety Clause	172	82
067	Zenzinger, Kraft-Tharp	Auction Alcohol In Sealed Container Special Events	Approved 3/1/2018	3/1/2018	4	188
068	Cooke, Van Winkle	False Reporting Of An Emergency	Approved 6/6/2018	7/1/2018	401	29
069	Holbert, Garnett	Enforcement Statewide Degree Transfer Agreements	Approved 3/22/2018	No Safety Clause	66	55
071	Jahn, Esgar	Extend Substance Abuse Trend & Response Task Force	Approved 4/26/2018	4/26/2018	167	30
073	Smallwood, Ransom	Report Transfer Ownership Motor Vehicle	Approved 3/29/2018	No Safety Clause	83	150

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074	Todd, Hansen	Designate Prader-Willi Syndrome Dev Disab	Approved 4/2/2018	No Safety Clause	98	119
076	Lundberg, Melton	Ban Vote Trading	Approved 5/4/2018	No Safety Clause 9/1/2018	202	62
079	Guzman, Pabon	Sake Vinous Liquor CO Liquor Code	Approved 4/12/2018	No Safety Clause	120	163
082	Zenzinger, Kennedy	Physician Noncompete Exemption For Rare Disorder	Approved 4/2/2018	4/2/2018	87	144
085	Todd, McLachlan	Financial Incentives For Education In Rural Areas	Approved 5/24/2018	No Safety Clause	233	38
086	Lambert, Ginal	Cyber Coding Cryptology For State Records	Approved 5/30/2018	5/30/2018	319	82
087	Fenberg, Michaelson Jenet	In-state Tuition Foreign Nationals Settled In CO	Approved 4/12/2018	No Safety Clause	121	55
088	Gardner, Becker K.	Taxation Of Retail Marijuana Sales	Approved 2/22/2018	2/22/2018	3	196
090	Zenzinger, Hooton	Terminology Referencing "Rights Of Married Women"	Approved 3/29/2018	No Safety Clause	72	9
091	Martinez Humenik, Thurlow	Modernize Behavioral Health Terminology	Approved 3/15/2018	No Safety Clause	35	128
092	Martinez Humenik, Hooton	Update References County Depts Social Services	Approved 3/15/2018	No Safety Clause 8/8/2018	38	133
093	Moreno, Arndt	Repeal Obsolete Medicaid Waiver Persons With AIDS	Approved 3/22/2018	No Safety Clause	62	119
094	Martinez Humenik, Hooton	Behavioral Health Definition Sections	Approved 3/15/2018	No Safety Clause	30	128
095	Zenzinger, Hooton	Outdated References To "Illegitimate" Children	Approved 4/2/2018	No Safety Clause	96	9
096	Martinez Humenik, Thurlow	Modernize "Mental Retardation" Terminology	Approved 3/21/2018	No Safety Clause	44	128
098	Tate, Hooton	Unconstitutional Language Interest On Damages	Approved 4/2/2018	No Safety Clause	99	23
099	Merrifield, Pettersen	Align Early Childhood Quality Improvement Programs	Approved 4/2/2018	No Safety Clause	90	133

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100	Neville T., Kraft-Tharp	Motor Vehicle Rental Charges Disclosures	Approved 3/15/2018	No Safety Clause	36	13
101	Holbert, Hamner	CSU Global Campus Student Admission Criteria	Approved 3/22/2018	No Safety Clause	49	55
102	Tate, Hooton	Odometer Reading Physical VIN Verification	Approved 3/29/2018	No Safety Clause	77	150
103	Todd, Kraft-Tharp	Issuance Of Performance-based Incentives For Film	Approved 3/15/2018	3/15/2018	39	84
104	Donovan, Willett	Federal Funds For Rural Broadband Deployment	Approved 4/2/2018	No Safety Clause	93	183
105	Baumgardner, Pabon	Correction To HB 17-1367 Change "And" To "Or"	Approved 3/5/2018	3/5/2018	18	163
106	Tate, Thurlow	Loc Gov Pledging Sales & Use Tax Cap Improvement	Approved 4/12/2018	No Safety Clause	122	74
107	Zenzinger, Thurlow	Repeal Nomination Vacancy Filling In Mun Elections	Approved 4/9/2018	No Safety Clause	104	78
108	Crowder, Arndt	Eligibility Colorado Road & Community Safety Act	Approved 5/29/2018	No Safety Clause 1/1/2019	260	151
110	Tate, Arndt	Repeal State Agency Reports Of Fed Money Received	Approved 4/12/2018	No Safety Clause	126	85
111	Tate, Arndt	Remove Obsolete Date From State Legal Holiday Law	Approved 3/29/2018	No Safety Clause	86	85
119	Gardner, Carver	False Imprisonment Of A Minor	Approved 5/29/2018	No Safety Clause	299	30
121	Tate, Arndt	State Employee Moving & Relocation Expenses	Approved 3/29/2018	No Safety Clause	78	85
124	Hill, Pabon	Imported Alcohol Beverages Waiting Period	Approved 3/7/2018	No Safety Clause	23	163
125	Gardner, Lee	Title Insurance Entity Fiduciary Duties	Approved 3/29/2018	3/29/2018	73	141
127	Martinez Humenik, Thurlow	Repeal Publishing Reqmnt DOR Income Tax Rate Mods	Approved 4/12/2018	No Safety Clause	127	197
129	Moreno, Arndt	Reorganize Drugs & Med Devices Sales Tax Exemption	Approved 4/12/2018	No Safety Clause	128	197

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131	Tate, Hooton	State Employees Group Benefits Act Modifications	Approved 4/2/2018	No Safety Clause	100	85
132	Smallwood, Kennedy	1332 State Waiver Catastrophic Health Plans	Approved 5/3/2018	No Safety Clause	194	141
134	Cooke, Arndt	PUC Deregulate Nonprofit Water Utilities	Approved 4/2/2018	No Safety Clause	91	183
135	Gardner, Carver	Update Colorado Code Of Military Justice	Approved 4/2/2018	4/2/2018	95	148
136	Neville T., Kraft-Tharp	Health Insurance Producer Fees & Fee Disclosure	Approved 4/12/2018	No Safety Clause	118	141
138	Gardner, Gray	Transfer Alcohol From Surrendered License	Approved 4/2/2018	No Safety Clause	94	189
141	Court, Wilson	Income Tax Check-off Nonprofit Donation Fund	Approved 5/29/2018	No Safety Clause	290	197
143	Fenberg, Arndt	Parks & Wildlife Measures To Increase Revenue	Approved 5/4/2018	No Safety Clause	207	157
144	Kerr, Willett	Bicycle Operation Approaching Intersection	Approved 5/3/2018	5/3/2018	193	151
145	Kefalas, Ginal	Implement Employment First Recommendations	Approved 5/18/2018	No Safety Clause	215	128
146	Kefalas, Sias	Freestanding Emer Depts Required Consumer Notices	Approved 4/25/2018	No Safety Clause 1/1/2019	157	109
148	Martinez Humenik, Lawrence	Med Benefits After State Empl Work-related Death	Approved 3/7/2018	3/7/2018	21	86
149	Gardner, Gray	Records Of Denver Health & Hospital Authority	Approved 4/23/2018	No Safety Clause	144	111
150	Fenberg, McKean	Voter Regis Individuals Criminal Justice System	Approved 5/29/2018	No Safety Clause Portions on 8/8/2018 and 7/1/2019	261	62
151	Fields, Buckner	CDE Bullying Policies Research	Approved 4/23/2018	No Safety Clause	140	38

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154	Fields, Salazar	Juvenile Planning Committee Crossover Youth Plans	Approved 4/25/2018	4/25/2018	161	9
156	Cooke, Kennedy	Publish County Financial Reports Online Annually	Vetoed 6/5/2018			71
158	Coram, Duran	School Access To Interoperable Communication Tech	Approved 5/16/2018	5/16/2018	214	87
160	Lambert, Hamner	Charter Sch Induction & Alternative Licensure Prog	Approved 4/2/2018	No Safety Clause	97	38
161	Smallwood, Kraft-Tharp	Repeal Behavioral Health Transformation Council	Approved 4/12/2018	No Safety Clause 9/1/2018	123	129
162	Martinez Humenik, Buckner	Substitute Placement Agency Licensure	Approved 4/12/2018	No Safety Clause	124	133
163	Martinez Humenik, Pettersen	Extend Repeal Early Childhood Legislative Commn	Approved 5/30/2018	5/30/2018	335	134
164	Moreno, Thurlow	Outdated Dept Human Services Reports	Approved 3/15/2018	No Safety Clause	37	134
165	Neville T., Winter	Requirements For Public Administrators & Deputies	Approved 4/2/2018	No Safety Clause	101	161
167	Scott, Winter	Enforce Reqmnts 811 Locate Underground Facilities	Approved 5/25/2018	No Safety Clause	256	144
169	Gardner, Carver	Offenses Against Civil & Admin Witnesses	Approved 4/25/2018	7/1/2018	162	30
170	Sonnenberg, Hansen	Reservoir Releases For Fish & Wildlife Mitigation	Approved 4/12/2018	No Safety Clause	125	211
172	Gardner, Lee	Horse Racing Licensee Alcohol & Drug Testing	Approved 4/12/2018	4/12/2018	129	164
173	Gardner, Herod	Removal Of Vinous Liquor From Licensed Premises	Approved 4/2/2018	No Safety Clause	102	164
174	Gardner, Sias	Serv Providers For Persons With Dev Disab	Approved 4/23/2018	4/23/2018	148	23
176	Coram, McLachlan	Board Meeting Dates SW Water Conservation Dist	Approved 4/12/2018	No Safety Clause	130	79
177	Priola, Bridges	Private Sch & Private Occupational Sch Bonds	Approved 5/3/2018	No Safety Clause	196	55

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
178	Smallwood, Kraft-Tharp	Similar Coverage Independent Commercial Vehicles	Approved 5/4/2018	No Safety Clause	203	145
179	Hill, Hooton	Extend Credit For Out-of-state Tobacco Sales	Vetoed 6/1/2018			198
180	Gardner, Wist	Colorado Trust Code	Approved 4/26/2018	No Safety Clause 1/1/2019	169	161
182	Coram, Catlin	Source Market Fee Allocation To Horse Purse Fund	Approved 4/12/2018	4/12/2018	115	87
183	Tate, Arndt	Agent of Insurer Motor Vehicle Title Records	Approved 4/12/2018	4/12/2018	131	151
184	Coram, McKean	Permit Short-term Extraction Construction Material	Approved 4/12/2018	No Safety Clause	132	158
187	Marble, Arndt	Marijuana Waste Recycling	Approved 4/26/2018	No Safety Clause 1/1/2019	170	164
188	Sonnenberg, Arndt	Ag Marketing Act Notices & Inclusion Of Millet	Approved 4/23/2018	No Safety Clause	149	2
191	Gardner, Carver	Local Government Limited Gaming Impact Fund	Approved 5/29/2018	5/29/2018	291	164
195	Moreno, Rankin	Healthcare Afford & Sustain Fee Cash Fund Approps	Approved 4/30/2018	7/1/2018	173	119
200	Tate, Becker K.	Mod To PERA To Eliminate Unfunded Liability	Approved 6/4/2018	6/4/2018	370	88
202	Lambert, Hamner	CO Firefighting Air Corps Fund Reserve Exemption	Approved 4/30/2018	4/30/2018	174	91
203	Marble, Lontine	Conflict-free Representation In Municipal Courts	Approved 6/1/2018	No Safety Clause	354	24
205	Marble, Catlin	Industrial Hemp Designation Agricultural Product	Approved 5/29/2018	No Safety Clause	263	2
206	Priola, Arndt	Research Institutions Affordability For Residents	Approved 6/5/2018	No Safety Clause	372	56
207	Moreno, Rankin	DHS Indirect Cost Assessments From Cash Funds	Approved 5/4/2018	5/4/2018	204	129
208	Baumgardner, Esgar	Create Governor's Mansion Maintenance Fund	Approved 5/29/2018	No Safety Clause	292	91

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209	Todd, Pabon	Modifications To Government Data Advisory Board	Approved 5/29/2018	No Safety Clause Portions on 8/8/2018 and 7/1/2019	300	91
210	Tate, Arndt	Amend Regulation Of Appraisal Mgmt Companies	Approved 5/29/2018	No Safety Clause	286	165
213	Martinez Humenik, Herod	Transfer Academic Credits For DYS Youths	Approved 5/29/2018	No Safety Clause	301	39
218	Coram, Arndt	CO Water Conservation Bd Construction Fund Project	Approved 5/30/2018	5/30/2018	336	212
219	Tate, Kraft-Tharp	Motor Vehicle Dealer & Manufacturer Service Rates	Approved 5/30/2018	No Safety Clause 10/1/2018	330	166
223	Gardner, Gray	Autopsy Reports Death Of A Minor	Vetoed 6/1/2018			71
225	Lambert, Hamner	Definition Of Early College High Schools	Approved 6/6/2018	6/6/2018	397	39
229	Martinez Humenik, Ransom	CDE Student Teacher Criminal History Record Checks	Approved 5/24/2018	No Safety Clause	232	40
230	Marble, Saine	Modify Laws Drilling Units Pooling Orders	Approved 6/1/2018	7/1/2018	361	158
231	Lambert, Young	Transition to Community-based Services Task Force	Approved 5/30/2018	5/30/2018	331	119
232	Sonnenberg, Esgar	Calculation For Art In Public Places Requirement	Approved 5/30/2018	No Safety Clause	337	92
233	Marble, Foote	Elections Clean-up	Approved 5/29/2018	Portions on 5/29/2018 and 7/1/2018	262	63
234	Coram, Kraft-Tharp	Human Remains Disposition Sale Businesses	Approved 5/30/2018	No Safety Clause	332	166
235	Coram, Arndt	CO Industrial Hemp Research & Dev Authority	Approved 5/29/2018	No Safety Clause	302	3
239	Marble, Arndt	Animal Chiropractic Education & Reporting Reqmnts	Approved 5/29/2018	No Safety Clause	309	167

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
242	Marble, Leonard	Public Official Oath Of Office	Approved 6/1/2018	No Safety Clause	355	92
243	Holbert, Esgar	Retail Sales Alcohol Beverages	Approved 6/4/2018	Portions on 6/4/2018, 1/1/2019, and 7/1/2019	366	189
245	Cooke, Arndt	Allow Natural Occurring Radioactive Material Rules	Approved 6/6/2018	No Safety Clause	402	111
247	Gardner, Landgraf	Local Gov Medical Benefits In Work-related Death	Approved 5/30/2018	5/30/2018	338	74
248	Martinez Humenik, Lawrence	Additional Revenues Urban Renewal Projects	Approved 5/30/2018	5/30/2018	339	75
249	Gardner, Lee	Redirection Crim Jus Behavioral Health	Approved 5/30/2018	5/30/2018	320	16
250	Gardner, Lee	Jail-based Behavioral Health Services	Approved 6/6/2018	6/6/2018	403	17
251	Gardner, Lee	Statewide Behavioral Health Court Liaison Prog	Approved 6/6/2018	6/6/2018	404	24
253	Lambert, Young	CSTARS Acct Transfer To DRIVES Acct Effective Date	Approved 5/29/2018	5/29/2018	293	152
254	Lambert, Young	Child Welfare Reforms	Approved 5/18/2018	5/18/2018	216	134
255	Tate, Arndt	Electronic Documents & Signatures Vehicle Titles	Approved 6/6/2018	No Safety Clause Portions on 8/8/2018 and on the effective date of House Bill 18-1299	405	152
259	Smallwood, Pabon	Local Government Retail Marijuana Taxes	Approved 6/6/2018	No Safety Clause 1/1/2019	406	199
262	Gardner, Duran	Higher Ed Targeted Master Plan Funding	Approved 5/29/2018	5/29/2018	294	56
266	Lundberg, Young	Controlling Medicaid Costs	Approved 5/29/2018	5/29/2018	264	120
267	Kefalas, Becker J.	Create Justice Center Maintenance Fund	Approved 6/6/2018	No Safety Clause	407	92

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
268	Scott, McLachlan	Design Bid Build Highway Project Contract Awards	Approved 5/29/2018	5/29/2018	295	209
269	Neville T., Neville P.	School Security Disbursement Program	Approved 6/6/2018	6/6/2018	408	40
270	Jahn, Pettersen	Behavioral Health Crisis Transition Referral Prog	Approved 5/21/2018	5/21/2018	223	129
271	Marble, Pabon	Improve Funding For Marijuana Research	Approved 5/30/2018	5/30/2018	329	167
272	Martinez Humenik, Carver	Crisis And Suicide Prevention Training Grant Prog	Approved 5/30/2018	No Safety Clause	333	130
276	Lundberg, Hamner	Increase General Fund Reserve	Approved 6/1/2018	No Safety Clause	357	92
280	Lambert, Hamner	Tobacco Litigation Settlement Cash Fund Transfer	Approved 6/6/2018	6/6/2018	409	93

ADMINISTRATIVE RULE REVIEW

H.B. 18-1253 <u>Continuation of 2017 rules of executive agencies - exceptions listed.</u> Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2016, and before November 1, 2017, with the exception of the rules specifically listed in the act. Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2018, on the grounds that the rules either conflict with statute or lack or exceed statutory authority.

APPROVED by Governor May 11, 2018

EFFECTIVE May 11, 2018

AGRICULTURE

S.B. 18-42 <u>Agricultural workforce development program - creation - rules - agricultural internships - repeal - appropriation.</u> The act requires the commissioner of agriculture to create, by rule, the agricultural workforce development program to provide incentives to agricultural businesses to hire interns. Qualified agricultural businesses may be reimbursed an amount not to exceed 50% of the actual cost of hiring a qualified intern. The rules must include specified criteria for qualifying businesses and interns participating in the program. Qualified internships must include at least 130 hours of work experience and cannot exceed 6 months in duration. The program is repealed on July 1, 2024.

\$43,157 is appropriated from the general fund to the department of agriculture for use by the commissioner to implement the program.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-188 <u>Marketing of agricultural products - adding millet to agricultural commodity</u> <u>definition - public announcements regarding orders.</u> The act adds millet to the definition of "agricultural commodity" in the "Colorado Agricultural Marketing Act of 1939". The act removes the requirement that marketing order issuance, suspension, amendment, or termination be posted in the office of the commissioner of agriculture and published in a newspaper. Instead, the commissioner will determine the manner and time of public announcement of marketing order issuance, suspension, amendment, or termination.</u>

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-205 Industrial hemp - treatment as an agricultural product - commodity handler and farm product licensing - commissioner to set registration fee schedule. The act includes the unprocessed seeds of industrial hemp in the definition of "commodity" within the "Commodity Handler Act", thus subjecting a person who acts as a commodity handler with respect to the unprocessed seeds of industrial hemp to the licensing requirements set forth in the "Commodity Handler Act". The act also includes industrial hemp in the definition of "farm products" within the "Farm Products Act", thus subjecting a person who acts as a farm products dealer, small-volume dealer, or agent to the licensing requirements set forth in the "Farm Products Act". Further, the act authorizes the commissioner of agriculture to set a fee schedule for industrial hemp cultivation registration.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

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AGRICULTURE

S.B. 18-235 <u>Industrial hemp - research and development task force - reporting.</u> The act creates the Colorado industrial hemp research and development task force to study whether to develop an industrial hemp research and development authority to develop, fund, and promote educational, research, and development programs and collaborative efforts concerning industrial hemp. The task force consists of 8 members with expertise in the industrial hemp industry or higher education. On or before December 31, 2018, the task force is required to prepare a report on its findings and recommendations and to submit the report to the Colorado office of economic development and the agricultural committees in the house of representatives and the senate.</u>

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1146 <u>Measurement standards - continuation under sunset law.</u> The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the measurement standards law by extending the law for 10 years.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1183 <u>Regulation - sale of meat act - home food service plans - repeal.</u> The act implements the recommendation of the department of regulatory agencies to repeal the "Sale of Meat Act", thereby eliminating the regulation of home food service plans by the department of agriculture.

APPROVED by Governor March 22, 2018

EFFECTIVE March 22, 2018

H.B. 18-1235 <u>Custom processing of meat animals - continuation under sunset law - authorized sale of poultry.</u> The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the "Custom Processing of Meat Animals Act" (meat animals act) by:

- Extending the meat animals act for 5 years; and
- Authorizing custom meat processors licensed under the meat animals act to sell poultry to retail food establishments.

APPROVED by Governor May 4, 2018

EFFECTIVE July 1, 2018

H.B. 18-1236 Food systems advisory council - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the Colorado food systems advisory council by extending the automatic

termination date of the council for 5 years until September 1, 2023, pursuant to the sunset law.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1246 <u>Nurseries - protection against noxious weeds - rule-making regarding labeling requirements - raising registration fee cap.</u> The act updates the "Colorado Nursery Act" to protect nursery stock by:

- Updating definitions, including amending the definition of "nursery stock" and adding a definition of "noxious weed" (section 2 of the act);
- Removing an exemption from inspections for nurseries that only sell nursery stock grown in Colorado and not exported outside of Colorado (section 3);
- Authorizing the commissioner of agriculture to promulgate rules to add additional information to the nursery stock labeling requirements (section 4);
- Prohibiting a person from selling, offering for sale, or distributing noxious weeds or nursery stock that is infested with noxious weeds (section 5); and
- Raising the \$100 cap on the nursery stock business registration fee to a \$300 cap (section 6).

APPROVED by Governor April 9, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1295 <u>Industrial hemp - use in food and cosmetics - not adulterated or misbranded.</u> The act establishes that food and cosmetics are not adulterated or misbranded by virtue of containing industrial hemp. The act also sets forth the department of public health and environment's powers with regard to applicants and registrants engaged in, or attempting to engage in, the wholesale food selling, manufacturing, processing, or storage of an industrial hemp product, as that term is defined in the act. Finally, the act clarifies that it does not provide a basis upon which an entity with federal drug administration approval or its agent could seek to prevent or restrict the nonpharmaceutical production, sale, or distribution of naturally occurring cannabinoids or cannabinoid extracts.</u>

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

APPROPRIATIONS

H.B. 18-1158 <u>Supplemental appropriation - department of corrections.</u> The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general funds portion of the appropriation is increased and the cash funds portion is decreased, resulting in an overall increase to the department.

The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 29, 2018

EFFECTIVE March 29, 2018

H.B. 18-1159 <u>Supplemental appropriation - department of education</u>. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of education. The reappropriated funds portion of the appropriation is increased.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1160 <u>Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting</u>. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting</u>. The reappropriated funds portion of the appropriation is decreased.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1161 <u>Supplemental appropriation - department of health care policy and financing.</u> The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriation to the department of health care policy and financing. The general fund, cash funds, and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased.

Restrictions on funds for the department in the 2016-17 fiscal year for the payment of overexpenditures of line item appropriations are released in accordance with section 24-75-109 (4)(a).

Appropriations made in Senate Bill 17-267, concerning the sustainability of rural Colorado are amended to make adjustments in the total amount appropriated to the department.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

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APPROPRIATIONS

H.B. 18-1162 Supplemental appropriation - department of human services. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

Restrictions on funds for the department in the 2016-17 fiscal year for the payment of overexpenditures of line item appropriations in early intervention services are released, in accordance with section $24-75-\hat{109}(\hat{4})(a)$.

APPROVED by Governor March 1, 2018 **EFFECTIVE** March 1, 2018

H.B. 18-1163 Supplemental appropriation - judicial department. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

APPROVED by Governor March 1, 2018

H.B. 18-1164 Supplemental appropriation - department of personnel. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 1, 2018

H.B. 18-1165 Supplemental appropriation - department of public safety. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public safety. The general fund, cash funds, and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased, resulting in an overall increase to the department.

APPROVED by Governor March 1, 2018

H.B. 18-1166 Supplemental appropriations - department of regulatory agencies. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of regulatory agencies. The cash funds portion of the appropriation was increased and the federal funds portion was decreased, resulting in an overall increase to the department.

APPROVED by Governor March 1, 2018

H.B. 18-1167 Supplemental appropriation - department of revenue. The 2017 general appropriation act is amended to balance and make adjustments to the total amount

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appropriated to the department of revenue. The general fund portion of the appropriation is increased.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1168 <u>Supplemental appropriation - department of state.</u> The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of state. The cash funds portion of the appropriation is decreased.

The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of state. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1169 <u>Supplemental appropriation - department of the treasury.</u> The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the treasury. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1170 <u>Supplemental appropriation - capital construction</u>. The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The capital construction fund and federal funds portions of the appropriation are increased.

The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The cash funds portion of the appropriation is increased.

The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The cash funds and reappropriated funds portions of the appropriation are decreased.

The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. Footnotes are added allowing funds appropriated to the department of higher education, history Colorado, to remain available through June 30, 2019.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1293 Legislative appropriation - transfer from state historical fund - old supreme court chamber restoration. \$46,348,261 is appropriated to the legislative department for the

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payment of expenses in the 2018-19 state fiscal year. Additionally, the act directs the state treasurer to transfer \$850,000 from the preservation grant program account in the state historical fund to the legislative department cash fund for use in the project to restore the old supreme court chamber in the state capitol building.

APPROVED by Governor April 9, 2018

EFFECTIVE April 9, 2018

H.B. 18-1322 <u>General appropriation act - 2018 - long bill.</u> For the fiscal year beginning July 1, 2018, the act provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2018. The grand total for the operating budget is set at \$29,946,254,983 of which \$8,613,930,374 is from the general fund portion of the appropriation; \$2,324,359,818 is from the general fund exempt portion; \$8,583,652,658 is from the cash funds portion; \$1,833,407,929 is from the reappropriated funds portion; and \$8,590,904,204 is from the federal funds portion.

The grand total for the fiscal year beginning July 1, 2018, capital construction projects, is \$371,065,585 of which \$153,845,526 is from the capital construction fund portion; \$193,297,233 is from the cash funs portion; \$18,743,326 is from the reappropriated funds portion; and \$5,179,500 is from the federal funds portion.

The 2015 general appropriation act, capital construction projects, is amended to add a footnote specifying an appropriation remains available until June 30, 2019, for the department of revenue, division of motor vehicles, IT system replacement.

The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, and higher education.

The 2017 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, and higher education, public safety and state.

The 2017 general appropriation act, capital construction projects, is amended to balance and make adjustments for controlled maintenance, Western state Colorado university in the department of higher education and capital expansion in the department of agriculture.

Appropriations made in Senate Bill 17-267, concerning the sustainability of rural Colorado,

is amended to reduce the amount appropriated to the department of health care policy and financing.

Appropriations made in House Bill 16-1398, concerning the requirement that the department of human services use a request-for-proposal process to contract with an entity to implement recommendations of the respite care task force, to extend any unexpended money to the department of human services until the 2018-19 state fiscal year.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

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CHILDREN AND DOMESTIC MATTERS

S.B. 18-90 <u>Family law - articulated rights.</u> **Statutory Revision Committee.** The act modernizes the language in statutory sections concerning the "rights of married women" to be inclusive of married men and women.

APPROVED by Governor March 29, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-95 <u>Family law - parentage of child.</u> **Statutory Revision Committee.** The act removes or modernizes outdated statutory references to a "legitimate" or "illegitimate" child and a "child born out of wedlock". Colorado only recognizes parentage of a child and acknowledges that the parent and child relationship extends equally to every child and every parent, regardless of the marital status of the parents.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-154 Juvenile services planning committee - crossover youth - plan. The act requires local juvenile services planning committees to devise a plan to manage dually identified crossover youth. A dually identified crossover youth is a youth involved in both the juvenile justice system and the child welfare system. The plan must contain descriptions and processes to include the following:

- A process for the identification of dually identified crossover youth at the earliest reasonable point of contact;
- A method for collaborating and exchanging information with other judicial districts consistent with the data-sharing policies of the collaborative management program;
- A process for promptly communicating information about the youth's crossover status between the child welfare and juvenile justice systems and to notify each other of the new involvement in the respective system or information that may aid in the identification of dually identified crossover youth;
- A process for identifying the appropriate services or placement-based assessment for a dually identified crossover youth;
- A process for sharing and gathering information in accordance with applicable laws, rules, and county policy;
- A process for the development of a single case management plan and identification of the lead agency for case management purposes;
- A process that facilitates the sharing of assessments and case planning information and includes policies around sharing information with other judicial districts;

- A process for a multi-disciplinary group of professionals to consider decisions that include: Youth and community safety, placement, provision of needed services, alternatives to detention and commitment, probation, parole, permanency, education stability, and case closure; and
- A requirement that dually identified crossover youth placed in a secure detention facility who are deemed eligible for release by the court be placed in the least restrictive setting whenever possible to reduce the disparity between dually identified crossover youth and nondually identified crossover youth in secure detention.

The act allows marijuana tax cash fund money to be used for the development of local dually identified crossover youth plans and services.

APPROVED by Governor April 25, 2018

EFFECTIVE April 25, 2018

H.B. 18-1050 <u>Criminal procedure - juveniles - competency to proceed.</u> The act establishes a juvenile-specific definition of "competent to proceed" and "incompetent to proceed" for juveniles involved in the juvenile justice system, as well as specific definitions for "developmental disability", "mental capacity", and "mental disability" when used in this context. The act clarifies the procedures for establishing incompetency, as well as for establishing the restoration of competency.

APPROVED by Governor March 22, 2018

EFFECTIVE July 1, 2018

H.B. 18-1064 <u>Child sexual abuse - prevention education programs - appropriation.</u> The act directs the Colorado children's trust fund board to develop and administer a training program to prevent child sexual abuse for early childhood providers and others who interact with young children.

The act appropriates \$158,374 from the general fund to the department of human services to use for the Colorado children's trust fund.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

H.B. 18-1104 Parental responsibilities and parenting time - parent with a disability - determinations of rights and responsibilities. The act establishes that family protection safeguards for a parent or prospective parent with a disability are critical to family preservation and the best interests of the children of Colorado. These safeguards include:

• That a parent's disability must not serve as a basis for denial or restriction of parenting time or parental responsibilities in a domestic law proceeding pursuant to title 14, without a clear nexus to the parent's ability to meet the needs of the child; in a minor guardianship proceeding pursuant to title 15, without a clear nexus to the parent's ability to meet the needs of the child; or a dependency and neglect proceeding pursuant to title 19, except when it impact the health or welfare of the child;

- That a parent's disability must not serve as a basis for denial of participation in a public or private adoption, or for denial of foster care or guardianship, when it is otherwise determined to be in the best interest of the child; and
- That the benefits of providing supportive parenting services must be considered by a court when determining parental responsibilities, parenting time, adoption placements, foster care, and guardianship, and the court may require that such supportive parenting services be provided or implemented, given the resources of the family.

APPROVED by Governor April 25, 2018

EFFECTIVE April 25, 2018

H.B. 18-1257 <u>Transfer child welfare proceedings.</u> House Bill 16-1316, concerning the procedures for changing venue for proceedings relating to a child placed in the legal custody of a county department of social or human services, amended the venue statute for transferring child welfare proceedings between counties and struck the word "not" in one sentence. Due to this change, some courts are not transferring child welfare proceedings between counties after adjudication even though the intent of House Bill 16-1316 was to allow post-adjudication transfers. The act reinserts the word "not" to allow such transfers.

APPROVED by Governor May 3, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1346 <u>Child abuse - institutional abuse - reporting requirement</u>. The act directs the Colorado commission on criminal and juvenile justice to study the issue of institutional child abuse for children and youth in facilities operated by the department of human services. On or before July 1, 2019, the commission shall provide a report with its findings and recommendations to the general assembly.

The act adds language to the definition of "institutional abuse" in the Colorado Children's Code to clarify that it includes an act or omission that threatens the life, health, or welfare of a person younger than 21 years of age who is under the continuing jurisdiction of the court.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1385 Spousal maintenance - adjustments to advisory guidelines - maintenance and child support definitions. As a result of the enactment of federal tax legislation in December 2017, commencing in 2019, spousal maintenance is not deductible by the payor spouse and is not taxable income to the recipient spouse. However, the guideline advisory amount of maintenance in statute, and the definitions used for calculating gross income and adjusted gross income for maintenance and child support awards, reflects the anticipated tax consequences to the payor and recipient under prior law. The act adjusts downward the advisory guideline calculation of the amount of maintenance in circumstances where the maintenance awarded is not deductible by the payor spouse and is not taxable income to the

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recipient spouse. The act also amends the definitions of "gross income" and "adjusted gross income" to properly reflect the tax implications of maintenance obligations.

In addition, the act adjusts the definitions of "gross income" and "adjusted gross income" in calculating child support obligations to reflect the tax implications of maintenance obligations.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 18-100 <u>Consumer protection - auto rental contracts - required disclosure of total charges for rental including additional mandatory charges - penalty.</u> The act requires motor vehicle rental companies to disclose to potential customers a good-faith estimate of the total charges for the motor vehicle rental, including all additional mandatory charges. Additional mandatory charges include a customer facility charge, airport concession recovery fee, road safety fee, vehicle recovery license fee, or government-imposed tax or fee. The disclosure must be included in vehicle rental cost quotes and rental agreements. A failure to disclose additional mandatory charges is a deceptive trade practice.

APPROVED by Governor March 15, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1028 <u>Court orders - cooperation with a deceptive trade practice investigation</u>. In situations when the attorney general or a district attorney seeks a court order to compel cooperation with an investigation of a deceptive trade practice, the act clarifies that the application for the court order must state why the order is necessary to investigate, rather than terminate or prevent, a deceptive trade practice.

APPROVED by Governor March 15, 2018

EFFECTIVE March 15, 2018

H.B. 18-1154 Deeds and deeds of trust - limits on fees for providing a copy. The act requires a person who solicits a fee for providing a copy of a deed or deed of trust to:

- Give a copy of the document that will be used for the solicitation to each county clerk and recorder where the solicitation is to be distributed;
- Not charge a fee of more than 4 times the amount charged by the county clerk and recorder that has custody of the deed or deed of trust for a copy of the same record; and
- Include specified disclosures on the document used for the solicitation, not make the document appear to have been issued by a state agency or local government, and not make the document appear to impose a legal duty on the individual being solicited.

The attorney general and the appropriate district attorney may bring an action for a violation.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

13

H.B. 18-1233 <u>Consumer credit reporting - privacy - minors under 16 and legal wards - security freeze.</u> Section 2 of the act authorizes a parent or legal guardian (representative) to request that a consumer reporting agency place a security freeze on the consumer report of either a minor under 16 or another person who is a ward of the representative (protected consumer). If the consumer reporting agency does not yet have a consumer report for the protected consumer when a security freeze is requested, the consumer reporting agency must, upon written request, create a consumer record for the protected consumer and place a security freeze on the consumer and place a security freeze on the consumer record.

The protected consumer's representative ask the consumer reporting agency to remove the security freeze. A protected consumer who demonstrates that his or her representative's appointment is no longer valid may have the security freeze removed.

A consumer reporting agency may not charge a fee for the placement, temporary lift, or removal of a security freeze on a protected consumer's consumer report or record or for the creation of a record for a protected consumer, nor place, temporarily lift, partially lift, or permanently remove a security freeze on a consumer report or record of a consumer who is under 18 years of age.

Section 3 requires consumer reporting agencies to inform parents or other representatives that they may request a security freeze on behalf of their child or ward.

Section 1 defines the terms "protected consumer", "record", "representative", "sufficient proof of authority", and "sufficient proof of identification", and amends the definition of "security freeze".

APPROVED by Governor March 29, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

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CORRECTIONS

S.B. 18-14 <u>Transfers of inmates to out-of-state institutions - notice to prosecutors and victims.</u> The act states that if the department of corrections (department) relocates an inmate for incarceration or contracts with another state for the incarceration of an inmate in a penal institution in another state, then not later than 48 hours after such relocation, the department shall notify the prosecuting attorney and any registered victim of crimes for which the inmate is serving his or her sentence of the name and location of the penal institution where the inmate is to be housed.</u>

This disclosure requirement does not apply if one or more of certain factors apply. If the department relocates an inmate and the executive director determines that any of these factors applies, then not later than 48 hours after such relocation, the department shall notify the prosecuting attorney:

- That the inmate has been relocated; and
- Which of the factors the executive director has determined applies.

If the prosecuting attorney agrees with the executive director's determination that a factor applies, then the prosecuting attorney shall confirm the executive director's determination in writing, the department shall retain such written confirmation, and the department shall notify any registered victim of one or more crimes for which the inmate is serving his or her sentence that:

- The inmate has been relocated; and
- The department is unable to disclose the inmate's location because one of the factors applies.

If the prosecuting attorney disagrees with the executive director's determination that a factor applies, then the executive director has 30 days to review the notice of disagreement. If, after such review, the executive director still determines that a factor applies and the inmate's location should not be disclosed, the department shall notify the prosecutor of such fact and notify any registered victims that the prosecutor disagrees with the executive director's determination. Either the prosecutor or any registered victim of the inmate may bring an action in the district court from which the inmate's sentence was issued for the court to determine whether a substantial basis existed and still exists to support the executive director's determination. If the district court finds that no substantial basis exists, the executive director shall disclose the inmate's location to any registered victims.

APPROVED by Governor April 23, 2018

EFFECTIVE April 23, 2018

S.B. 18-16 <u>Transitioning from jails - continue year-end transfers - expenditure authority - appropriation</u>. In 2017, the general assembly enacted a provision requiring at the end of the 2016-17 fiscal year the state treasurer to transfer unexpended and unencumbered money appropriated for community corrections programs to the housing assistance for persons transitioning from the criminal or juvenile justice system cash fund (fund) to assist persons transitioning from the criminal or juvenile justice systems. The act repealed the provision in 2018. The act eliminates the repeal of the provision so that the transfer occurs at the end of

each state fiscal year.

The act also provided that money appropriated from the fund may be expended in the next fiscal year without further appropriation.

The act appropriates \$60,788 to the department of local affairs for affordable housing costs.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

S.B. 18-249 <u>Mental health - pilot programs to divert individuals with low-level criminal behavior and mental health conditions to community treatment - mental health criminal justice diversion grant program - appropriation.</u> The act creates up to 4 pilot programs in judicial districts in the state that divert individuals with low-level criminal behavior and a mental health condition to community resources and treatment rather than continued criminal justice involvement (program). The programs must be developed in accordance with the principles and proposed model recommended by the Colorado commission on criminal and juvenile justice, adopted on January 12, 2018. The state court administrator office (SCAO) and the Colorado district attorneys' council shall collaborate to identify potential program sites, with the agreement of the elected district attorneys and chief judges in a judicial district.

Once a judicial district has been selected as a program site, the chief judge and district attorney for the judicial district shall work collaboratively with interested and necessary participants to decide which courts and counties within the judicial districts are best suited to implement the pilot program. Interested and necessary participants include law enforcement, jail officials, public defenders, judges, pretrial service providers, and local community mental health and behavioral health service providers. The chief judge of a designated program district is responsible for the local implementation of the program, including establishing policies and procedures and facilitating formal agreements that might be required for implementation.

The SCAO is responsible for overall program administration, including ensuring that, on or before January 1, 2019, each judicial district implements its own unique program.

The mental health criminal justice diversion grant program (grant program) is created within the SCAO. The SCAO shall administer and monitor the grant program, including establishing funding guidelines and acceptable expenses, making specific grant awards, and disbursing grant award money to district attorneys' offices for the implementation of local programs.

The program is repealed, effective December 1, 2021.

The act appropriates \$750,000 to the judicial department for the implementation of the act.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

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S.B. 18-250 Office of behavioral health - jail-based behavioral health services program - competency restoration services - coordination of services - appropriation. The act continues to allow the correctional treatment cash fund to be used to provide treatment for persons with mental and behavioral health disorders who are being served through the jail-based behavioral health services program (program). The program is housed in the office of behavioral health (office). The purpose of the program is to provide adequate staff to complete competency and behavioral health screenings, prescribe psychiatric medications as necessary, and provide mental health counseling, substance use disorder treatment, and transitional care coordination; train jail staff on behavioral health disorders; and fund administrative costs to jails participating in the program. The office shall prioritize jails with minimal behavioral health services, including rural and frontier jails. Jails that are participating in the program shall, at a minimum:

- Screen individuals who are being booked into the facility for various behavioral health issues;
- Provide adequate and appropriate access to health care and medications;
- Coordinate services with community behavioral health providers prior to the release of an inmate to ensure continuity of care following his or her release from the jail facility; and
- Track performance outcome measures for individuals affected by the program.

The act appropriates \$2,564,603 to the department of human services for use by the office in implementing the act.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1040 Sex offender treatment and services - incentive plan - report. The act requires the department of corrections to:

- Monitor the number of inmates who need sex offender treatment or services and the number who are not receiving such treatment or services;
- Develop an incentive plan to contract for more mental health professionals to provide sex offender treatment or services in difficult-to-serve geographic areas; and
- Report to the joint budget committee the number of inmates needing treatment or services, the number not receiving the treatment or services, and the impact of the incentive plan.

APPROVED by Governor May 4, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1109 Parole of special-needs offenders. Current law provides 2 definitions by which an offender in the custody of the department of corrections (department) may be

considered a "special needs offender". One definition describes a person "who is 60 years of age or older and has been diagnosed by a licensed health care provider who is employed by or under contract with the department as suffering from a chronic infirmity, illness, condition, disease, or behavioral or mental health disorder and the department or the state board of parole (parole board) determines that the person is incapacitated to the extent that he or she is not likely to pose a risk to public safety". The act amends this definition by changing "60 years" to "55 years".

The act also adds a third definition by which such an offender may be considered a "special needs offender". That is, an offender who, as determined by a licensed health care provider who is employed by or under contract with the department, on the basis of available evidence, not including evidence resulting from a refusal of the person to accept treatment, does not have a substantial probability of being restored to competency for the completion of any sentence and is not likely to pose a risk to public safety.

Under current law, if the department recommends to the parole board that an offender be released to parole as a special needs offender, the parole board may deny parole only by a majority vote of the parole board. The act states that to deny parole under such conditions, the parole board must also make a finding that granting parole would create a threat to public safety and that the offender is likely to commit an offense.

The act states that if, prior to or during any parole hearing, the parole board or any member of the parole board has a substantial and good-faith reason to believe that the offender is incompetent to proceed, the parole board shall suspend all proceedings and notify the trial court that imposed any active sentence, and the court shall determine the competency or incompetency of the offender. The court shall appoint counsel to represent the offender with respect to the determination of competency, but the presence of the offender is not required for any court proceedings unless good cause is shown.

For any offender who is granted special needs parole, the parole board shall set the length of the parole for an appropriate time period of at least 6 months but not exceeding 36 months. At any time during such an offender's parole, the parole board may revise the duration of the offender's parole. However, in no case may such an offender be required to serve a period of parole in excess of the period of parole to which he or she would otherwise be sentenced, or 36 months, whichever is less.

APPROVED by Governor April 23, 2018

EFFECTIVE April 23, 2018

H.B. 18-1176 Offender reentry services grant program - continuation under sunset law - <u>appropriation</u>. Under current law, a grant program exists in the department of corrections (department) to provide funding to eligible community-based organizations that provide reentry services to offenders. The act reschedules the repeal of the grant program to September 1, 2023, subject to a sunset review by the department of regulatory agencies.

The act also provides that, in awarding grants from the grant program, the department shall release as much as one-quarter of the amount annually appropriated to the grant program to an intermediary at the beginning of each fiscal year. The intermediary shall determine how much of this amount is awarded to each community partner as an advance portion of grant money to be awarded to the community partner.

The act requires the department to expand the grant program in the 2018-19 fiscal year to maximize the number of grantees; add grantees in underserved communities, especially in rural areas; and add one or more grantees that specialize in serving the reentry needs of women offenders.

The act appropriates \$3,286,000 to the department for use in implementing the grant program.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1251 <u>Community corrections transition placements - coordination with DOC - community corrections decision-making process - referral packet information - conditions for subsequent referrals - training - appropriation.</u> The act requires the state board of parole to submit a list of offenders for community corrections transition placement referrals to the department of corrections staff. The staff shall inform the board when the referral is made or the reason for not making the referral. If an offender completes a community corrections program, the board shall schedule a parole release hearing and, if the decision is to deny parole, the majority of the full board is required to deny parole at that hearing.</u>

The act requires community corrections boards to develop and use a structured, research-based decision-making process that combines professional judgment and actuarial risk and needs assessment tools. If a community corrections board denies a transition offender a community corrections transition placement, the board shall electronically inform the department of corrections regarding the basis for the denial, suggestions for program completion, and a suggested subsequent referral timeline.

The act specifies the information that must be included in a community corrections transition placement referral or subsequent referral packet. Current law gives the jurisdiction where a community corrections transition placement intends to parole the first right of refusal. The act eliminates the first right of refusal if attempting to place the transition offender into a specialized community corrections program or if the offender requests a placement in a different jurisdiction. The act requires the subsequent referral of an offender for community corrections transition placement within 6 to 12 months of the offender's denial if the offender does not had a class I code of penal discipline violation in the previous year; the offender does not have consecutive misdemeanor sentences to serve; and the offender does not have a pending immigration detainer, pending felony charges, or an extraditable warrant. When an offender refuses placement in a community corrections program, the executive director may make a subsequent referral for the offender after the offender informs the executive director that the circumstance that formed the basis for the refusal has changed or resolved.

The division of criminal justice is required to provide community corrections training to department of corrections staff and community corrections boards. The division shall produce a report describing key community corrections data trends.

The act appropriates \$264,070 to the department of public safety from the general fund.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1409 <u>Community crime victims grant program - crime victim support services - sunset review - appropriation.</u> The act creates the community crime victims grant program (grant program) in the department of public health and environment (department) to provide funding to eligible entities that provide support services to crime victims and other interventions that are intended to reduce repeat victimization. The department shall administer the grant program in accordance with policies developed by the executive director of the department. The grant program is repealed, effective September 1, 2023. Before such repeal, the department of regulatory agencies shall perform a sunset review of the grant program.</u>

The act repeals the \$1,761,140 FY 2017-18 appropriation to department of local affairs from the parole savings fund and repeals the parole savings fund. The act appropriates \$880,570 to the department from the general fund to implement the act.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

H.B. 18-1410 <u>Prison population management - prison bed vacancy rate tracking- unutilized</u> <u>community corrections beds - parole board reviews.</u> The act requires the department of corrections (department) to track the prison bed vacancy rate in both correctional facilities and state-funded private contract prison beds on a monthly basis. If the vacancy rate falls below 2% for 30 consecutive days, the department shall notify the governor, the joint budget committee, the parole board, each elected district attorney, the chief judge of each judicial district, the state public defender, and the office of community corrections in the department of public safety (office of community corrections). The department shall notify the governor, the joint budget committee, the parole board, each elected district attorney, the chief judge of each judicial district, the state public defender, and the office of community corrections in the department of public safety (office of community corrections). The department shall notify the governor, the joint budget committee, the parole board, each elected district attorney, the chief judge of each judice of each judice of each judice of some source the vacancy rate exceeds 3% for 30 consecutive days.

When the vacancy rate falls below 2% for 30 consecutive days, the department may:

- Request the office of community corrections to provide the department with information regarding the location and nature of any unutilized community corrections beds;
- Request the parole board review a list of inmates who are within 90 days of their mandatory release date, have an approved parole plan, and do not require full board review or victim notification. The parole board must hold a file review for the inmates on the list within 10 days after the receipt of the list.
- Coordinate with the parole board to review the list of inmates who have satisfied conditions for conditional release verified by the department of

corrections, do not require full board review or victim notification, and have satisfied the condition or conditions required for parole. The parole board must hold a file review for the inmates on the list within 10 days of the receipt of the list.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1437 <u>Correctional educational program - costs of college-level academic programs.</u> Under current law, the correctional education program in the department of corrections is required to provide every person in a correctional facility who demonstrates college-level aptitudes with the opportunity to participate in college-level academic programs that may be offered within the correctional facility. However, unless financial assistance for costs of the programs is provided through certain programs or through private or federally funded grants or scholarships, costs associated with such college-level academic programs must be borne entirely by the person participating in the program. The act removes this stipulation concerning costs and states instead that such costs may be borne through private, local, or federally funded gifts, grants, donations, or scholarships, or by such persons themselves, or through any combination of such funding.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

COURTS

S.B. 18-15 <u>Unauthorized persons occupying residential property - temporary mandatory</u> <u>injunction - procedures - removal - action for false declaration.</u> Under current law, a person who occupies a vacant or unoccupied residence without the permission of the owner can only be evicted under the forcible entry and detainer statutes. In such a situation, the act authorizes an owner or agent of the owner to file a complaint and a verified motion for a temporary mandatory injunction restoring possession of the residential property to the owner or lawful occupant. The act specifies required declarations in the motion and establishes procedures for the new motion and complaint including time lines, notice, and service of process.

If the court enters a writ of restitution, the act requires the sheriff to remove the unauthorized persons from the premises and to order that the person or persons stay off the premises.

The act creates a civil cause of action for a false declaration related to the verified motion and authorizes the plaintiff to recover actual damages, attorney fees, and costs.

APPROVED by Governor June 6, 2018

EFFECTIVE July 1, 2018

S.B. 18-32 <u>Parental notification - firearms dealers - unsworn declarations - title 12</u> recodification study - relocation. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12, which relates to professions and occupations. To implement the initial recommendations of the study, the act relocates:

- Article 37.5 of title 12, the "Colorado Parental Notification Act", to a new part in article 22 of title 13;
- Article 26 of title 12, firearms dealers, to a new part in article 12 of title 18;
- Article 26.1 of title 12, gun show background checks, to a new part in article 12 of title 18; and
- Part 3 of article 55 of title 12, the "Uniform Unsworn Declarations Act", to a new article in title 13.

The act makes conforming amendments and repeals the provisions of law where the laws were previously codified.

APPROVED by Governor March 1, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-56 <u>Civil actions - district court filing fees - county court jurisdictional limits - county court filing fees - study.</u> The act permits a person to file a civil action in county court when the value of his or her claim is \$25,000 or less. The act changes the filing fees in county court and sets those fees based on the amount of the money judgment sought. The act increases district court filing fees and allocates county court and district court filing fees. The act

requires the state court administrator to analyze case information and data to determine appropriate factors for potentially increasing county court civil case jurisdictional limits and for determining the how those limits are calculated.

APPROVED by Governor May 29, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-62 <u>Contracts - liability - indemnification clauses - snow removal and ice control</u> <u>services contracts.</u> The act creates the "Snow Removal Service Liability Limitation Act". The act applies when a snow and ice removal service provider is prohibited, by express contract terms or in writing, from mitigating a snow, ice, or other mixed precipitation risk and makes void provisions of snow removal agreements that require one party to indemnify the other party for damages, hold the other party harmless for damages, and provide for the defense of the other party in a liability lawsuit.

The act does not apply to snow removal contracts with public bodies and public utilities; services provided on public roads; deicing or ice control services provided at airports; and an insurance policy, as surety bond, or workers' compensation.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-98 <u>Interest on damages.</u> **Statutory Revision Committee.** The act amends the statute concerning interest on damages to reflect a 1996 decision made by the Colorado supreme court that ruled certain language in that provision violated the equal protection clause of the constitution.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-174 <u>Civil liability - residential service providers - persons with intellectual and developmental disabilities.</u> "Case management agency" is defined in the act and included in the definition of a "provider" that provides services and supports to persons with developmental disabilities. Providers and service agencies are required to operate pursuant to department of health care policy and financing rules.

The act provides that a person with a developmental disability who is served in a residential setting is a tenant of the provider and that property rights accrue for such a tenant.

Person-centered planning must occur as soon as possible following a person with a

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developmental disability being moved from a residential setting when the person may be at risk of abuse, neglect, mistreatment, exploitation, or other harm. Case management agencies are authorized to move a person with a developmental disability from a residential setting and subjects such agencies to the same standards of liability as other entities authorized to move such persons from residential settings.

APPROVED by Governor April 23, 2018

EFFECTIVE April 23, 2018

S.B. 18-203 <u>Municipal courts - provision of independent defense counsel to indigent</u> <u>defendants.</u> The act requires each municipality, on and after January 1, 2020, to provide independent indigent defense for each indigent defendant facing a possible jail sentence for a violation of a municipal ordinance. Independent indigent defense requires, at minimum, that a nonpartisan entity independent of the municipal court and municipal officials oversee or evaluate indigent defense counsel. To satisfy this requirement, a municipality that contracts directly with one or more defense attorneys to provide counsel to indigent defendants shall ensure that:

- The process to select indigent defense attorneys is transparent and based on merit; and
- Each newly hired defense attorney is periodically evaluated by an independent entity for competency and independence. The municipality shall evaluate each newly hired defense attorney as soon as practicable but no later than one year after he or she is hired. Otherwise, the municipality shall evaluate each defense attorney at least every 3 years.

To ensure the quality of indigent defense counsel, a municipality may establish a local or regional independent indigent defense commission, which has the responsibility and exclusive authority to appoint and supervise indigent defense counsel and to discharge indigent defense counsel for cause.

The act sets forth an annual timeline by which a municipality may request and potentially receive the services of the office of alternate defense counsel to:

- Evaluate the provision of defense counsel to indigent defendants; or
- Provide a list of approved attorneys to be used for indigent defense during the next calendar year.

APPROVED by Governor June 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-251 <u>Behavioral health - statewide behavioral health court liaison program -</u> <u>appropriation.</u> The act establishes in the office of the state court administrator (office) a statewide behavioral health court liaison program (program). The purpose of the program is to identify and dedicate local behavioral health professionals as court liaisons (court liaisons) in each state judicial district to facilitate communication and collaboration among judicial, health care, and behavioral health systems. The office shall administer the program and establish procedures, timelines, and funding guidelines for the program. Program funding must be allocated to judicial districts based on case volume, geographical complexity, and density of need. Specific duties of the court liaisons are outlined, as well as reporting requirements.

The act appropriates \$1,997,112 to the judicial department for the implementation of the act.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1057 <u>Colorado fair debt collection practices act - fees, costs, and costs of collection.</u> The act allows a private collection agency or privately retained attorney collecting on any debt arising from past-due orders, obligations, fines, or fees due to the state, or to any political subdivision within the state, to add to the amount due that has been placed for collection all fees, costs, and costs of collection, including designated contractual attorney fees and costs that are awarded by a court of competent jurisdiction. Exclusive of the accrual of interest and court costs, any fees, costs, and costs of collection may not exceed 18% in the aggregate unless additional reasonable attorney fees are awarded by a court of competent jurisdiction.

Under current law, the department of personnel may add a collection fee to the amount of a debt's principal and accruing interest referred to the state controller except where other specific statutory authority, requirements under federal programs, or written agreement with the debtor provide otherwise. The collection fee may include a fee to recover the collection costs incurred by either the controller, private counsel, or private collection agencies, but in no case shall the aggregate fee for the controller or private collection agencies exceed 21%. The act lowers this limit to 18%.

APPROVED by Governor May 29, 2018

EFFECTIVE July 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1078 <u>Criminal procedure - court's duty to inform defendants with current or prior</u> military service on first appearances and on pleas of guilty. At the first appearance of a defendant in court or upon arraignment, and before accepting a plea of guilty or nolo contendere, the court shall ascertain whether the defendant is currently serving in the United States armed forces or is a veteran of such forces. The court shall inform any such defendant that he or she may be entitled to receive mental health treatment, substance use disorder treatment, or other services as a veteran.</u>

The chief judge of a judicial district may establish an appropriate program for the treatment of veterans and members of the military. The act states that, in establishing any such program, the chief judge, in collaboration with the probation department, the district attorney, and the state public defender, shall establish program guidelines and eligibility criteria.

The act requires a court, in determining whether to issue an order to seal criminal records of a petitioner who has successfully completed a veterans treatment program, to consider such factor favorably in making the determination.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1152 <u>Open records - sexual harassment records - judicial branch.</u> Under the Colorado open records act (CORA), records related to sexual harassment complaints are not open records; except that those records are available to a person making a sexual harassment complaint and the subject of the complaint. The act makes the judicial department subject to the sexual harassment provision of CORA until May 1, 2021.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1243 <u>Rape shield - civil courts.</u> Under Colorado criminal law there is a rape shield law that presumes that evidence of a victim's sexual conduct is irrelevant and not admissible except for:

- Evidence of the victim's prior or subsequent sexual conduct with the defendant; or
- Evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy, disease, or any similar evidence of sexual intercourse offered for the purpose of showing that the act or acts were or were not committed by the defendant.

The act creates a similar presumption in a civil proceeding involving alleged sexual misconduct. If a party wants to introduce sexual conduct evidence, it must file a confidential motion with the court at least 63 days prior to trial. Prior to ruling on the motion, the court shall conduct an in camera hearing and allow the parties and alleged victim to attend and be heard. All motions and all related records are kept under seal unless the court orders that the evidence is admissible.

APPROVED by Governor April 25, 2018

EFFECTIVE April 25, 2018

H.B. 18-1353 <u>Municipal courts - defense counsel on first appearance grant program - appropriation</u>. The act creates the defense counsel on first appearance grant program (program) in the division of local government (division) within the department of local affairs. The division shall award grants from the program to reimburse local governments, in part or in full, for costs associated with the provision of defense counsel to defendants at their first appearances in municipal courts.
The program is repealed, effective September 1, 2023. Before such repeal, the department of regulatory agencies shall review the program.

\$1,853,037 is appropriated to the department of local affairs to implement the act.

APPROVED by Governor May 30, 2018 EFFECTIVE May 30, 2018

H.B. 18-1398 Limitations of civil actions - limitation on action to recover damages from an act of domestic violence. The act states that any civil action to recover damages caused by an act of domestic violence must be commenced within 6 years after a disability has been removed for a person under disability or within 6 years after a cause of action accrues, whichever occurs later, except that in no event many any such civil action be commenced more than 20 years after the cause of action accrues.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CRIMINAL LAW AND PROCEDURE

S.B. 18-26 Sex offender registration - discontinue registration - waive in-person registration. Under current law, a person is required to register as a sex offender (registrant) in Colorado if he or she is a Colorado resident and is required to register in another state. The act allows a registrant to petition the court for an order that discontinues the requirement for registration for offense classifications that he or she would not be required to register for if convicted in Colorado.

In addition, a registrant is required to register in person at his or her local law enforcement agency. The act allows the law enforcement agency to waive the in-person registration requirement after initial registration if the registrant suffers from a chronic physical or intellectual disability to the extent that it is a severe hardship to register in person and there is a medical record of the disability. If the waiver is authorized, the law enforcement agency must reregister the registrant after verifying the registrant's address and provide documentation of the waiver to the Colorado bureau of investigation and any other law enforcement agency with which the registrant registers.

Under current law, specified registrants can file a petition to discontinue registration. The act requires the court to grant a petition to discontinue registration if the registrant has successfully completed his or her sentence, the registrant has not been convicted of a subsequent sex offense, and the required waiting period has expired, unless the prosecuting attorney or victim objects and presents credible evidence that the registrant is likely to commit a subsequent offense of unlawful sexual behavior.

Notwithstanding any statutory barriers to the contrary, the act allows a registrant or his or her legal representative to file a petition to discontinue registration if the registrant is permanently incapacitated and does not present an unreasonable public safety risk. The court shall grant the petition if the petitioner shows that the registrant is incapacitated, does not present an unreasonable public safety risk, and is not likely to commit a subsequent sex offense.

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-50 <u>Public safety - children and families - safe haven laws.</u> The act expands Colorado's safe haven laws to include staff members of community clinic emergency centers as persons allowed to take temporary physical custody of infants 72 hours old or younger when the infant is voluntarily surrendered by the infant's parent or parents.

APPROVED by Governor March 7, 2018

EFFECTIVE March 7, 2018

S.B. 18-55 <u>Crimes against children surcharge - human trafficking of children.</u> Current law requires each person who is convicted of a crime against a child to pay a surcharge to the clerk of the court for the judicial district in which the conviction occurs. The act adds the

crime of human trafficking of a minor for sexual servitude to the definition of crime against a child for purposes of the surcharge. For a class 2 felony, the amount of the fine is \$1,500. The act states that if the class 2 felony is for human trafficking of a minor for involuntary servitude or for human trafficking of a minor for sexual servitude, then the amount of the fine is \$3,000. Additionally, in cases where an offender is required to pay the new surcharge, the court is encouraged to delay any finding of indigence until 6 months after the offender's conviction, at which time the court may require the defendant or defendant's counsel to submit documents that substantiate the defendant's indigence.

APPROVED by Governor April 23, 2018 EFFECTIV

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-60 <u>Protection orders - domestic violence cases.</u> Current law provides that in cases involving domestic violence and in cases involving certain other crimes, a court may enter any of several types of protection orders against the defendant. The act adds 2 new potential protection orders to the list of options available to the court. They are:

- An order prohibiting the taking, transferring, concealing, harming, disposing of, or threatening to harm an animal owned, possessed, leased, kept, or held by the alleged victim or witness; and
- An order directing a wireless telephone service provider to transfer the financial responsibility for and rights to a wireless telephone number or numbers to the alleged victim or witness if the alleged victim or witness satisfies certain criteria.

The act also clarifies that the issuance of a protection order in a case involving domestic violence or any of certain crimes does not preclude a court from issuing a protective order in a civil proceeding.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-68 <u>False reporting - false reporting of an emergency - restitution - venue.</u> Under current law, there is a crime of false reporting to authorities. The act creates a crime of false reporting of an emergency by criminalizing an act of false reporting to authorities that includes a false report of an imminent threat to the safety of a person or persons by use of a deadly weapon. The act makes false reporting of an emergency a class 1 misdemeanor, but it is a class 4 felony if the emergency response results in serious bodily injury and a class 3 felony if the response results in death. If a person is convicted of false reporting of an emergency, the court is required to order the defendant to pay restitution in an amount equal to the cost of the emergency response. For purposes of the crime of false reporting to authorities and false reporting of an emergency, the defendant may be tried in the county

where the defendant made the report, the county where the false report was communicated to law enforcement, or the county where law enforcement responded to the false report.

APPROVED by Governor June 6, 2018

EFFECTIVE July 1, 2018

S.B. 18-71 Substance abuse trend and response task force - extension - appropriation. The state substance abuse trend and response task force (task force) is scheduled to be repealed, effective July 1, 2018. The act extends the repeal for 10 years to September 1, 2028.

The act appropriates \$3,000 from the substance abuse prevention, intervention, and treatment cash fund to pay for expenses of the task force.

APPROVED by Governor April 26, 2018

EFFECTIVE April 26, 2018

S.B. 18-119 <u>False imprisonment of a minor - appropriation.</u> The act states that a person commits class 5 felony false imprisonment if he or she:

- Confines or detains another person less than 18 years of age in a locked or barricaded room under circumstances that cause bodily injury or serious emotional distress, and such confinement or detention was part of a continued pattern of cruel punishment or unreasonable isolation or confinement of the child; or
- Confines or detains another person less than 18 years of age by means of tying, caging, chaining, or otherwise using similar restraints to restrict that person's freedom of movement under circumstances that cause bodily injury or serious emotional distress.

The act states that the statutory privilege between a patient and a physician or between an individual and his or her spouse is not available for the purpose of excluding or refusing testimony in any prosecution for false imprisonment of a minor under the newly described circumstances in the act.

The act makes the required 5-year statutory appropriation.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-169 <u>Offenses against witnesses.</u> The act provides offenses of intimidating a witness or victim and retaliation against a witness or victim apply to witnesses civil proceedings, as well as criminal proceedings.

APPROVED by Governor April 25, 2018

EFFECTIVE July 1, 2018

H.B. 18-1020 <u>Civil forfeiture - reports - local public nuisance - law enforcement assistance grant program - law enforcement community services grant program - proceeds - appropriation.</u> During the 2017 session, the general assembly enacted a bill involving civil forfeiture requiring seizing agencies to submit reports to the department of local affairs (department). The act requires reporting agencies rather than seizing agencies to file the reports and defines "reporting agency". The act also expands the scope of the reports to include seizures related to a local public nuisance law or ordinance.</u>

The 2017 act also prohibited seizing agencies from receiving forfeiture proceeds from the federal government unless the aggregate value of property seized in a case is over \$50,000. This act establishes the law enforcement assistance grant program in the department of public safety to reimburse seizing agencies for revenue lost because of this prohibition.

The act establishes the law enforcement community services grant program in the division of local government in the department to provide grants to law enforcement agencies, local governments, and community organizations to improve community services. It establishes a committee to review grant applications and make recommendations on grant awards and establishes a fund from which grants are paid.

Under current law, the net balance of proceeds received from a forfeiture action are divided evenly between the governmental body of the seizing agency and the managed service organization providing behavioral health in the judicial district (MSO). The act provides that the 50% that went to the MSO is now divided so that the MSO and the new law enforcement community services grant program fund each receive 25%.

The act appropriates \$1,487,821 from the marijuana tax cash fund to the department of public safety for the law enforcement community services grant program.

APPROVED by Governor May 29, 2018

EFFECTIVE September 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1029 <u>Mandatory parole - class 2 and class 3 felonies.</u> Under current law, the length of a mandatory parole sentence for a class 2 or 3 felony is 5 years. The act lowers the length of mandatory parole for a class 2 felony, if the offense is not a crime of violence, and for a class 3 felony to 3 years.

APPROVED by Governor April 23, 2018

EFFECTIVE April 23, 2018

H.B. 18-1041 <u>Animal cruelty - cruelty to certified police working horses.</u> Current law includes a separate crime for cruelty to a service animal or a certified police working dog. The act adds a definition for "certified police working horse" to statute and adds certified police working horses to the crime of cruelty to a service animal or a certified police working dog. A person who, in good faith, reports an incident of cruelty to a certified police working horse is granted the same immunity from civil liability that persons have when reporting, in

good faith, cruelty to a service animal or a certified police working dog.

APPROVED by Governor March 7, 2018

EFFECTIVE March 7, 2018

H.B. 18-1066 Sexual exploitation of a child - no change in discovery procedure. Last session, Senate Bill 17-115, concerning possession of sexually exploitative material by persons involved in sexually exploitative material cases, expanded the group of people who, if they possessed sexually exploitative material in the performance of their duties, could not commit sexual exploitation of a child to all law enforcement personnel and defense counsel personnel. The act clarifies that the sexual exploitative materials and that the defendant and defense counsel personnel are not allowed to receive copies of the materials.

APPROVED by Governor March 22, 2018

EFFECTIVE March 22, 2018

H.B. 18-1077 Second degree burglary of firearms - penalty - appropriation. In current law, second degree burglary is a class 4 felony, but it is a class 3 felony under 2 specified circumstances. The act designates a third type of second degree burglary as a class 3 felony: that is, a burglary, the objective of which is the theft of one or more firearms or ammunition. The act also states that when a person is convicted of such a burglary, in addition to any other sentence, the court may require the person to pay a fine of at least \$5,000 but not exceeding \$750,000.

The act makes the required 5-year statutory appropriation.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1128 Data privacy - required policies - covered and governmental entities. Except for conduct in compliance with applicable federal, state, or local law, the act requires covered and governmental entities in Colorado that maintain paper or electronic documents (documents) that contain personal identifying information (personal information) to develop and maintain a written policy for the destruction and proper disposal of those documents. Entities that maintain, own, or license personal information, including those that use a nonaffiliated third party as a service provider, shall implement and maintain reasonable security procedures for the personal information. The notification laws governing disclosure of unauthorized acquisitions of unencrypted and encrypted computerized data are expanded to specify who must be notified following such unauthorized acquisition and what must be included in such notification.

APPROVED by Governor May 29, 2018

EFFECTIVE September 1, 2018

H.B. 18-1132 <u>Confinement of correctional inmates in local jails - reimbursement to counties.</u> Under current law, the general assembly establishes in its annual general appropriations bill the amount that the department of corrections (department) is required to reimburse any county or city and county for a portion of the expenses and costs incurred by

that county or city and county for the confinement and maintenance in a local jail of any person who is sentenced to a term of imprisonment in a correctional facility. The act states that, to assist the general assembly in determining such rate of reimbursement, each county and each city and county shall report to the joint budget committee the average cost of confining and maintaining persons in a local jail for more than 72 hours after each such person has been sentenced to the custody of the department. The joint budget committee is required to establish guidelines to ensure that each county and each city and county reports costs in a uniform manner.

APPROVED by Governor April 25, 2018

EFFECTIVE April 25, 2018

H.B. 18-1200 <u>Cybercrime - new offenses - appropriation.</u> The act changes the name of the crime of computer crime to "cybercrime". The act makes soliciting, arranging, or offering to arrange a situation in which a minor may engage in prostitution, by means of using a computer, computer network, computer system, or any part thereof, a cybercrime. The act makes stealing the information from a credit card magnetic strip or placing different information on a credit card magnetic strip without permission and with the intent to defraud a cybercrime. The act eliminates the class 1 petty offense for cybercrime.

The act appropriates from the general fund to the department of corrections:

- For the 2019-20 state fiscal year, \$22,072;
- For the 2020-21 state fiscal year, \$34,672;
- For the 2021-22 state fiscal year, \$39,344; and
- For the 2022-23 state fiscal year, \$39,344.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1210 <u>Peace officers - administrator of judicial security.</u> An administrator of judicial security in the Colorado judicial department is a peace officer who must be certified by the peace officer standards and training board.

APPROVED by Governor March 22, 2018

EFFECTIVE March 22, 2018

H.B. 18-1234 <u>Gambling - simulated gambling devices - definitions - enforcement -</u> <u>moratorium on seizure of devices pending sale.</u> In statutes prohibiting simulated gambling activity, the act:

- Amends the definitions of key terms such as "gambling", "prize", and "simulated gambling device" to include certain amusement devices commonly known as skill games, subject to a de minimis threshold on the type and value of prizes that may be awarded; and
- Exempts the owners of noncomplying devices from seizure and forfeiture

provisions until July 1, 2018, if the devices are destined for sale to persons by whom, or into jurisdictions where, the use of those devices is lawful.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1264 <u>Revenge porn - changes to the crimes.</u> Currently, Colorado criminalizes posting nude images of another person for harassment purposes or for pecuniary gain. The act makes the following changes to those crimes:

- Adds images of sex acts that may not include nude images;
- Removes the requirement that the defendant intends to inflict serious emotional distress; and
- Removes as an exception to the crimes that the image relates to a newsworthy event.

APPROVED by Governor May 3, 2018

EFFECTIVE July 1, 2018

H.B. 18-1287 <u>Commission on criminal and juvenile justice - continuation under sunset law</u> <u>- appropriation.</u> Current law repeals the Colorado commission on criminal and juvenile justice, effective July 1, 2018. The act extends the repeal date to July 1, 2023, and requires the department of regulatory agencies to perform a sunset review of the commission prior to such repeal.

The act adds 4 new voting members to the commission and reduces the number of at-large members from 3 to 2, thereby increasing the number of voting members of the commission from 26 to 29.

The act requires the commission to annually request a letter from the governor suggesting topics for the commission to study.

The act appropriates \$255,443 to the department of public safety.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1307 Controlled substances - unlawful distribution or purchase of dextromethorphan. The act states that it is unlawful for a seller, retailer, or vendor to knowingly or willfully dispense, sell, or distribute a finished drug product containing any quantity of dextromethorphan to a person less than 18 years of age. A seller, retailer, or vendor making a retail sale of a finished drug product containing any quantity of dextromethorphan must require and obtain proof of age from the purchaser before completing the sale unless the seller, retailer, or vendor reasonably presumes from the purchaser's outward appearance that the purchaser is at least 25 years of age.

A seller, retailer, or vendor who violates the prohibition or who fails to obtain proof of age when required to do so commits an unclassified petty offense and, upon conviction thereof, shall be punished as follows:

- For a first offense, the court shall warn the seller, retailer, or vendor in writing; and
- For a second or subsequent offense, the seller, retailer, or vendor shall pay a fine of not more than \$200.

The prohibition does not apply to a medication containing dextromethorphan, which medication is sold pursuant to a valid prescription. It is an affirmative defense if the seller, retailer, or vendor is an employer and trains its employees concerning the act's restrictions on the distribution of medications containing dextromethorphan.

APPROVED by Governor May 11, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1344 <u>Collateral relief from effects of conviction - timing - criminal history record</u> <u>check.</u> Current law has separate collateral relief sections for when a court orders an alternative sentence, probation, or community corrections. The act combines collateral relief provisions into one section and authorizes a court to enter an order for collateral relief at the time of conviction of a defendant or any time thereafter. The act requires a fingerprint-based criminal history record check only if the hearing is held after sentencing.

The act adds the authority for a juvenile court to enter an order for collateral relief using the same process as criminal courts.

APPROVED by Governor May 29, 2018

EFFECTIVE July 1, 2018

H.B. 18-1356 Failure to register as a sex offender - cross reference. Statutory Revision Committee. There is a crime of failure to register as a sex offender. There are a number of different ways to commit the crime, including when a sex offender moves out of state and fails to file a cancellation form with the jurisdiction where he or she will no longer reside. The language in the crime referencing the requirement to file a cancellation form does not include a citation to the statutory requirement to file the cancellation form. The act adds that cross reference.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest

H.B. 18-1405 <u>At-risk adults - mandatory reporters - exception.</u> Under current law, staff, and staff of contracted providers, of area agencies on aging are mandatory reporters of the mistreatment of an at-risk elder or an at-risk adult with an intellectual and developmental disability. The act creates a mandatory reporter exception for attorneys at law providing legal

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assistance to individuals pursuant to a contract with an area agency on aging and the staff of such attorneys at law.

APPROVED by Governor June 6, 2018

EFFECTIVE September 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1427 Sex offender management board - conflicts of interest. The act prohibits members of the sex offender management board (board) from receiving a direct financial benefit from the standards or guidelines adopted by the board. The act takes effect September 1, 2019, and applies to members then serving on the board.

VETOED by Governor June 4, 2018

EDUCATION - PUBLIC SCHOOLS

S.B. 18-11 <u>State assessments - students excused from participating.</u> The law existing at the time the act passed requires each school district, board of cooperative services that operates a school, and charter school (local education provider) to adopt a written policy and procedure by which a parent may excuse his or her student from participating in the state assessments. The act clarifies that the local education provider determines whether notice from the parent must be in writing.

The law existing at the time the act passed prohibits a local education provider from punishing a student whose parent excuses him or her from taking a state assessment. The act clarifies that a local education provider also shall not prohibit the student from participating in an activity or receiving any other form of reward that recognizes participation in the state assessments. If the department of education or the state board of education receives a parent complaint concerning a local education provider's implementation of the statute concerning students excused from taking assessments, the department must notify the local education provider of the nature of the complaint.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-12 <u>Accreditation - performance indicators - military enlistment.</u> For purposes of determining the level of attainment of each public high school, each school district, the state charter school institute, and the state as a whole on the postsecondary and workforce readiness performance indicator for accreditation, the act adds enlistment in the military within a year of graduation as a measure of performance. The department of education shall weight military enlistment equally with enrollment in postsecondary institutions for purposes of determining the level of attainment on the performance indicator.</u>

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-13 <u>Child nutrition school lunch protection program - expansion of eligible grades</u> - <u>appropriation</u>. Under current law, the act expands the child nutrition school lunch protection program (program) that provides reduced-price meals to children in state-subsidized early childhood education programs administered by public schools or in kindergarten through fifth grade who would otherwise have to pay for a reduced-price lunch. The act extends the grade of eligibility to eighth grade in schools that elect to participate in the expanded program.

The act authorizes an annual appropriation, including a cap on the amount of the annual appropriation, to cover the expanded grades of eligible children. For the 2018-19 state

fiscal year, the act appropriates \$564,279 from the general fund to the department of education for the program.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

S.B. 18-85 Rural schools - teachers and special services providers - financial incentives appropriation. Current law allows the department of higher education (department) to provide up to 20 financial stipends annually, not to exceed \$6,000 each, to teachers in rural schools or school districts (rural schools) who are seeking certification as a national board certified teacher, seeking certification as a concurrent enrollment teacher, or furthering their professional development plan through continuing education, and who commit to employment in a rural school for a minimum of 3 years. The act increases the number of available stipends to 60 and expands it to include teachers completing an approved alternative licensure program leading to initial licensure and full-time employment in a rural school or a rural school district, and individuals completing the required course work leading to certification as a special services provider and employment in a rural school or a rural school district. A provision is added stating that if, in any one fiscal year, the number of stipend applications submitted exceeds the total amount of available stipends, the department shall give priority for stipend awards to teachers. After all teacher applications have been funded, stipends may then be awarded to special services providers, subject to available appropriations.

The act appropriates \$240,000 from the state education fund to pay for the stipends.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-151 <u>Model bullying prevention and education policy.</u> The department of education (department) is required to research approaches, policies, and practices in other states related to bullying prevention and education and to develop a model bullying prevention and education policy after considering its research. The department is required to publish the results of that research and its model policy on the department's website by July 1, 2019, as guidance for school districts, charter schools, and the charter school institute in developing and implementing bullying prevention and education policies. The research and model policy must be updated and published every 3 years.

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-160 <u>Teachers - charter schools</u>. Charter schools and the state charter school institute may operate induction programs for teachers, special services providers, principals, and

administrators, and alternative licensure programs for teachers and principals.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-213 Out-of-home placement students - recognition of academic credits earned by students in the custody of the division of youth services. Under current law, when a student in out-of-home placement transfers from one school to another school, the sending school must certify to the receiving school or school district the course work that the student has fully or partially completed while enrolled at the school. The receiving school or school district must accept the student's certified course work and the course work certified by previous schools in which the student was enrolled, as reflected in the student's records, as if it had been completed at the receiving school. The receiving school or school district must apply all of the student's certified course work toward completion of the student's requirements for graduating from the grade level in which the student is enrolled at the receiving school or school district if the student is enrolled in 12th grade.

The act requires receiving schools and school districts to follow the same procedures for a student who transfers to a school or school district from a division of youth services placement.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-225 Early college high schools - definition. The act amends the definition of "early college" for purposes of the "Concurrent Enrollment Programs Act" to specify that an early college must provide only a curriculum that is designed to be completed within 4 years and includes concurrent enrollment in high school and postsecondary courses such that, when a student completes the curriculum, the student has attained a high school diploma and a postsecondary credential or at least 60 credit hours toward completion of a postsecondary credential. The state board of education must review all of the schools that it has designated as early colleges to ensure that each school meets the revised definition. A school that does not meet the revised definition will no longer be designated as an early college.

The act allows a school that is designated as an early college before passage of the act to continue to receive funding through the school finance formula for students who, after completing 4 years of high school at an early college, enroll in postsecondary courses for the 2018-19 and 2019-20 school years.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

S.B. 18-229 Educator preparation field experiences - student teachers - criminal history record checks - appropriation. The act permits a student in an educator preparation program who is seeking field experiences in a school (student) to submit his or her fingerprints to the Colorado bureau of investigation (bureau) for the purpose of performing a fingerprint-based criminal history record check for the student. Upon completion of the fingerprint-based criminal history record check, the bureau must forward the results to the department of education (department). If the fingerprint-based criminal history record check of a student a disposition, the department is required to perform a name-based criminal history record check of that student.

The department must provide the results of the background checks to the educator preparation program in which the student is enrolled and make the results available to schools and school districts. When the department receives an update from the bureau, the department must provide that update to each education preparation program, school district, and charter school in which the student has been placed for field experiences.

The department may charge a fee to cover the actual costs of administering a student's criminal history record check.

School districts or charter schools that require a criminal history record check for students are required to accept the results of a criminal history record check performed by the bureau or department. If the student has continuously resided in Colorado, the fingerprints may be used by the student to satisfy the existing fingerprint submission requirements for teacher licensure.

The act appropriates \$34,065 to the department of public safety from the Colorado bureau of investigation identification unit fund to conduct the criminal history record checks.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-269 <u>School safety - school security disbursement program.</u> The act creates the school security disbursement program (disbursement program) in the department of public safety (department). A school district, charter school, institute charter school, or board of cooperative services (local education provider) may apply for a disbursement by submitting an application to the department. A disbursement recipient may use the money for one or more of the purposes specified in the act, which include building improvements to enhance security and training for school personnel. The department shall review the applications received and disburse money to applicants that meet the application requirements. The department must give priority to applicants that commit to providing matching funds for the amount received. The disbursements are paid from money that is set aside in the school security disbursement program account that the act creates within the school safety resource center fund. Each disbursement recipient must report to the department concerning its use of the money, and the department must annually provide a summary of the reports to

committees of the general assembly. The disbursement program is repealed, effective July 1, 2021.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1002 Teacher preparation - rural teaching fellowship programs - appropriation. The act directs the department of education to identify geographic areas within the state and specific subjects for which there is a teacher shortage. Under the act, a rural school district, rural charter school, or rural board of cooperative services (rural local education provider) and a public or private institution of higher education (institution) may enter into an agreement to provide a teaching fellowship program for students enrolled in the fourth year of an approved educator preparation program. The rural local education provider must be located within an identified area or need a teacher for one of the identified subjects and demonstrate chronic hiring difficulty and financial need; the institution must offer an approved educator preparation program. The agreement must include the commitments of both the rural local education provider and the institution, including the commitment of both to jointly design an individualized fellowship plan for each teaching fellow, which addresses necessary competencies; the rural local education provider's commitment to extend an offer of employment to the teaching fellow when he or she successfully completes the fellowship year; and the institution's commitment to pay a percentage of a stipend to the teaching fellow during the fellowship year.

Each teaching fellow receives a stipend of \$10,000 to use for costs of attendance during the fellowship year. The department of higher education, based on the rural local education provider's demonstrated chronic hiring difficulties and financial need, will annually select up to 100 teaching fellows for which the state will provide 50% of the stipend through the state financial assistance program. For these teaching fellows, the institution must provide the remaining 50% from institutional financial assistance. If the teaching fellow receives an offer of employment from the rural local education provider for the 2 school years following completion of the fellowship and does not work for the rural local education provider for those 2 school years, the teaching fellow must repay the amount of the stipend.

The rural local education provider and institution must prepare an annual report concerning implementation of the teaching fellowship program and submit it to the department of higher education. The department must prepare a summary report concerning the implementation and effect of the teaching fellowship programs throughout the state and submit the report to the state board of education, the Colorado commission on higher education, and the joint budget committee and education committees of the general assembly.

For the 2018-19 fiscal year, the act appropriates \$530,448 to the department of higher education with the assumption that the department will require an additional 0.5 FTE. The department may use the appropriation for rural teacher recruitment, retention, and professional development.

APPROVED by Governor May 25, 2018

EFFECTIVE May 25, 2018

H.B. 18-1005 <u>Concurrent enrollment - information to students and parents.</u> Under current law, a school district, board of cooperative services, district charter school, or institute charter school (local education provider) must notify students and their parents of opportunities for concurrent enrollment in postsecondary courses. The act requires the notice to be sent at least 6 weeks prior to the beginning of the enrollment period and to include information regarding the local education provider's timelines that affect student eligibility to take these courses and a statement informing students that they may significantly reduce college expenses, increase the likelihood of completing college, and earn marketable workforce skills by taking concurrent enrollment courses.</u>

Prior to the beginning of the enrollment period for postsecondary concurrent enrollment courses, the local education provider shall provide students and their parents with written notice of postsecondary courses offered at the local education provider's facility and the cost of those courses, as well as notice regarding postsecondary courses offered at the postsecondary institution's facility and the cost of those courses.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1019 <u>Public school accreditation - postsecondary and workforce readiness</u> <u>performance indicator - additional measures.</u> For purposes of determining the level of attainment for accreditation of each public high school, each school district, the state charter school institute, and the state as a whole on the postsecondary and workforce readiness performance indicator, the act adds additional measures of the percentage of students who successfully complete:

- An advanced placement course in a subject other than English language arts or math and earn a score of 3 or higher on the end-of-course advanced placement exam;
- A concurrent enrollment course in a subject other than English language arts or math and earn a grade of "B" or higher in the course; and
- An international baccalaureate course in a subject other than English language arts or math and earn a score of 4 or higher.

For the 2018-19 state fiscal year, the act appropriates \$30,000 of general fund to the department of education for information technology services to implement the act.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1070 Public school capital construction assistance fund - crediting of state retail marijuana excise tax revenue to fund. Currently, the first \$40 million of state retail marijuana

excise tax revenue annually collected is credited to the public school capital construction assistance fund (assistance fund) for the purpose of providing financial assistance, in the form of matching lease-purchase agreement payments and cash grants, to local school districts for capital construction under the "Building Excellent Schools Today Act" (BEST) and the remainder of the revenue is credited to the state public school fund. For state fiscal years commencing on and after July 1, 2018, the act increases the amount of retail marijuana excise tax revenue credited to the assistance fund to the greater of 90% of the revenue annually collected or the first \$40 million of such revenue. The remainder of the revenue continues to be credited to the department of education and authorizes the department to use \$19 million of the appropriation for BEST lease-purchase agreement payments and \$15 million of the appropriation for BEST cash grants.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1095 Educator licenses - continuous experience requirement - military spouse exception. Under current law, the department of education may issue a professional license to a teacher or special services provider who holds a comparable license from another state and has 3 years of continuous teaching or special services experience. The act exempts military spouses, as defined in the act, from the requirement that the teaching or special services experience be continuous, and instead requires 3 years of experience within the previous 7 years.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1101 <u>Retail marijuana sales tax revenue transferred to state public school fund - annual appropriation</u>. Beginning in state fiscal year 2019-20, the act eliminates, for the state fiscal year in which it is transferred, the continuous appropriation of gross retail marijuana sales tax revenue that is transferred to the state public school fund to the department of education for the purpose of helping to meet the state share of total program funding for school districts and institute charter schools. The act also specifies that the general assembly may appropriate all or any portion of the revenue transferred to the state public school fund during the prior state fiscal year to the department of education for that purpose.</u>

APPROVED by Governor March 15, 2018

EFFECTIVE March 15, 2018

H.B. 18-1130 Educator licenses - continuous experience requirement - exception. Under current law, the department of education may issue a professional teacher license or professional special services license to a teacher or special services provider who holds a comparable license from another state and has 3 years of continuous teaching or special services experience. The act changes the requirement from 3 years of continuous experience

to 3 years of experience within the previous 7 years.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1134 <u>Use of preschool program positions for kindergarten - eligibility requirements.</u> If a district chooses to use early childhood at-risk enhancement (ECARE) positions to enroll children in the district's full-day kindergarten program, children using the ECARE positions must satisfy at least one of the eligibility requirements of the Colorado preschool program.

APPROVED by Governor April 9, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1156 <u>Truancy - court procedures - sanctions.</u> The act clarifies in the Colorado Children's Code and in the "School Attendance Law of 1963" that a "delinquent act" does not include truancy or habitual truancy. A child who is habitually truant and who refuses to follow a plan to rehabilitate his or her truancy may be subject to various sanctions by the court in a truancy proceeding.

The court shall not sentence a child or youth to detention as a sanction for contempt of court in a truancy proceeding unless it determines that such detention is in the best interest of the child or youth as well as the public. In making such a finding, the court is required to consider several factors related to the child or youth, truancy, and the use of detention.

A judge or magistrate may issue a warrant authorizing the taking into temporary custody of a child or youth who has failed to appear for a court hearing for a truancy or contempt action. Any such warrant must allow for release of the child or youth from temporary custody on an unsecured personal recognizance bond, cosigned by the child's or youth's parent or legal guardian or, if applicable, a representative of the department of human services. In the alternative, the warrant may, if the court is in session, direct that the child or youth be arrested and taken directly to court for an appearance.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1171 <u>School finance - mid-year adjustment - 2017-18 budget year - appropriations.</u> The general assembly recognizes that the actual funded pupil count and the actual at-risk pupil count for the 2017-18 school year are lower than anticipated when the appropriation amount was established during the 2017 legislative session. In addition, local property tax and specific ownership tax receipts are more than anticipated, increasing the local share of

total program funding, which resulted in a reduction in the state's share of total program funding of \$103,934,329. The act declares the general assembly's intent to maintain the average amount of funding distributed per pupil on a statewide basis at the level of the original appropriation, resulting in a \$5.9 million dollar reduction in the budget stabilization factor. The act adjusts the minimum amount of total program funding specified in statute to reflect this intent.

For the 2017-18 budget year, the act reduces the appropriation from the state public school fund by \$73,210,538 and transfers \$30,723,466 of general fund to the state public school fund so that the full amount of the reduction in the state's share of total program funding is reflected in the balance of the state public school fund.

The act requires the general assembly to appropriate \$7,033,883 from the state public school fund for purposes of school safety resulting from the reduction in state share of district total program funding for the 2017-18 budget year.

The act makes technical amendments to the hold harmless full-day kindergarten funding and ASCENT program funding to reflect the total program funding amounts included in the act.

APPROVED by Governor March 29, 2018

EFFECTIVE March 29, 2018

H.B. 18-1189 <u>Teacher preparation - pilot residency programs - expansion - appropriation.</u> The act creates the teacher residency expansion program (program) in the department of education (department). The goal of the program is to identify and communicate to school districts, charter schools, and boards of cooperative services that operate public schools (local education providers) the best practices, effective strategies, and critical components of effective teacher residency programs and thereby facilitate expansion of the effective teacher residency programs across the state.</u>

To implement the program, the department must contract with up to 3 institutions of higher education (institutions) and up to 3 alternative teacher programs (alternative programs), each of which is currently operating an effective teacher residency program with a local education provider. The institutions and alternative programs must expand their respective teacher residency programs with other local education providers as pilot programs that must include specified components. The institutions and alternative programs must share the specified components with the department, and the department must share them with other local education providers, institutions, and alternative programs that are not participating in the pilot programs. After the pilot programs have operated for a year, and annually thereafter, the department shall evaluate the success of the pilot programs based on specified criteria. The department will submit a report concerning the evaluation to the state board of education, the Colorado commission on higher education, the education committees of the general assembly. The department will also post the report on its website.

The department will distribute to the institutions and alternative programs that contract with the department an amount to offset a portion of the costs of implementing the pilot program. The institutions and alternative programs must agree to provide matching funds

equal to 100% of the amount that the department distributes to the institutions and alternative programs. The program is repealed in 5 years.

For the 2018-19 fiscal year, the act appropriates \$600,000 to the teacher residency expansion program fund, which is created in the act. The department has continuous spending authority to distribute the money in the fund for purposes of the program.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1266 Workforce development - career development success program. The act amends the existing career development success pilot program (program), which provides a distribution of up to \$1,000 to school districts and charter schools for each high school student who successfully completes an identified industry-certificate, internship, or pre-apprenticeship program or computer science advanced placement course. The act limits the distribution for industry certificates for a single school district or charter school to 10% of the total number of completed industry certificates reported.

The act requires each school district and charter school that participates in the program to explain the program to all high school students with the goal of increasing participation in the industry certificate programs across all student subgroups. Before passage of the act, the department of education was required to report on the implementation of the program. The act expands the report to include specified information. The act extends the repeal date for the program for 5 years and removes the designation of "pilot".

APPROVED by Governor June 5, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1269 Public schools - parent notification - charges filed against teachers. The act requires school districts, district charter schools, institute charter schools, charter school collaboratives, and boards of cooperative services (local education providers) to notify parents of students enrolled in a local education provider of charges brought against an employee or former employee, if the employee was employed at any time within 12 months before an offense is charged, who has or had contact with students, if the charges are for certain felony offenses that requires the denial, suspension, or revocation of a teacher license if the employee were a teacher.

The act specifies the students whose parents must receive notification and the information that a local education provider shall include in the parent notification. The local education provider shall notify parents by mail or electronic means within 2 school days after the employee has had or has waived a preliminary hearing, if available, on the charge unless the appropriate law enforcement agency requests a delay in notification. If notice is sent to parents, the local education provider shall also send notice within 2 school days to the same parents in the same manner regarding the disposition of the charges.

Each local education provider shall monitor employee arrest information received

from the Colorado bureau of investigation to determine whether charges are filed and the status of the preliminary hearing.

The act prohibits the state board of education from waiving the requirements of the act relating to parent notification for school districts or for charter schools authorized by a school district or by the state charter school institute.

APPROVED by Governor May 29, 2018

EFFECTIVE August 15, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1277 Public school capital construction financial assistance - grant application requirements. Beginning with the state fiscal year 2019-20 grant cycle, the act requires an application made to the public school capital construction assistance board under the "Building Excellent Schools Today Act" for a grant of financial assistance that is for either the construction of a new public school facility that will replace one or more existing public school facilities or the reconstruction or expansion of an existing public school facility to include a plan for the future use or disposition of any existing public school facility that the applicant will stop using for its current use if it receives the grant.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1286 <u>Medical marijuana administration at school - school personnel administration.</u> Under current law, a primary caregiver may possess and administer medical marijuana in a nonsmokeable form to a student while the student is at school. The act allows school personnel to also possess and administer medical marijuana in a nonsmokeable form to a student at school. The school may adopt policies regarding which school personnel can possess and administer the medical marijuana. The act provides school personnel protection from criminal prosecution if he or she possesses and administers medical marijuana to a student at school. Prior to administering the medical marijuana by school personnel, there must be a signed agreement between the principal and the student's parent or legal guardian, and the parent or legal guardian must submit the required documentation to the school.

The student's parent or primary caregiver shall deliver the student's medical marijuana to the person designated by the school as the person who secures the medical marijuana for the school day. The person who secures the medical marijuana shall place the medical marijuana in a locked storage container. The person who secures the medical marijuana shall return any unused medical marijuana to the student's parent at the end of the school day. The student shall not handle the medical marijuana on the grounds of the school, school bus, or school-sponsored event.

A school does not have to comply with the provisions of the act if it loses federal funding as a result and posts its decision not to comply on its website.

APPROVED by Governor June 4, 2018

EFFECTIVE June 4, 2018

H.B. 18-1309 Grow your own teacher program - teacher of record program - teacher of record license - reporting - special services interim authorization - definitions relating to the school counselor corps grant program - definitions relating to behavioral health care professional matching grant program - partnership for rural education preparation - creation - appropriation. The act requires the Colorado department of education and the Colorado department of higher education to create the framework for a grow your own educator program that includes the following provisions:

- Enrollment in a grow your own educator program at a participating institution of higher education;
- Employment with a school district or a district or institute charter school (charter school) under a teacher of record license during the student's final year of the grow your own educator program;
- Payment of tuition by the school district or charter school for up to the student's last 36 credit hours of the grow your own educator program;
- In exchange for payment of tuition, the student's commitment to work in the same school district or charter school for 3 years after completion of the grow your own educator program; and
- A state grant to the employing school district or charter school to pay a portion of up to the final 36 credit hours of the student's in-state tuition at the institution of higher education, limited to 50 new students annually, with a limit on the total number of grants distributed to each school district and to institute charter schools.

Institutions of higher education and participating school districts or charter schools are required to enter into an agreement that includes provisions set forth in the act. Further, school districts or charter schools and teachers of record employed by the school district or charter school are required to enter into an agreement that includes provisions set forth in the act. The act prioritizes the award of grants to participating school districts or charter schools first for graduates of Colorado high schools who commit to teaching in a community that is experiencing a teacher shortage in a grade level or content area and second to students who commit to teach in a rural school with a teacher shortage in a grade level or content area. The department of education shall report to the education committees of the general assembly in any year in which a grant is awarded concerning information on students and school districts or charter schools participating in the program.

The act establishes a teacher of record license for a student who has completed all or substantially all of the course work requirements for a baccalaureate degree, but has not completed teacher field work requirements. A student who holds a teacher of record license may be employed by a school district or charter school through the grow your own educator program or through a teacher of record program established in the act. The student must work for a school district or charter school that has identified a critical teacher shortage and has a vacant position for which no other qualified applicant has applied. A teacher of record

license is valid for 2 years.

The act creates a second program that authorizes local education providers, as defined in the act, to implement a one- or 2-year teacher of record program. As part of a teacher of record program, a local education provider, as defined in the act, may employ a person holding a teacher of record license if there is a critical teacher shortage and there are no other qualified, licensed applicants to fill a vacant position. The department of education shall report annually to the education committees of the general assembly concerning information relating to teacher of record programs.

The act amends the special services intern authorization to allow the authorization to be renewed for a second academic year if the intern is employed by a school district or board of cooperative services and the intern has not completed a program of preparation for a special services provider due to unforeseen circumstances or hardship.

The act amends the school counselor corps grant program to define "school counselor" to include a person who holds a special services intern authorization. The act amends the behavioral heath care professional matching grant program to include state-certified professionals qualified to provide services to children and adolescents.

The act creates the partnership for rural education (partnership) at the Denver campus of the university of Colorado to collaborate with other institutions of higher education to bring customized solutions to local education providers experiencing teacher shortages. The partnership shall prepare and submit an annual report to the department of education, the department of higher education, and to the general assembly concerning data collected and strategies identified by the partnership to address teacher shortages in the state.

For the 2018-19 state fiscal year the act appropriates:

- \$1,019,110 of general fund to the department of education for the grow your own educator program. The appropriation may be used over two fiscal years.
- \$156,116 of general fund to the department of higher education for the partnership for rural education preparation. The appropriation may be used over two fiscal years.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1355 <u>Accreditation - criteria - community meetings - performance watch - performance indicators - school transformation grant program.</u> The act changes the criteria that the department of education (department) must consider in assigning an accreditation category to a school district or the state charter school institute (institute) or in recommending the type of performance plan that a public school must implement. The act clarifies that a school district or the institute, on its own behalf or on behalf of one of its public schools, may request reconsideration of the initial accreditation category or performance plan assignment. The act specifies criteria the department may apply as part of the reconsideration.</u>

The act directs the department to make training in governance and turnaround best practices available to the directors of the board of education of a school district that is accredited with improvement plan or lower or that includes a public school that is required to implement a priority improvement or turnaround plan and to make materials and training available to parents, school personnel, and school district and school accountability committees. The act allows, rather than requires, the commissioner of education (commissioner) to assign the state review panel to evaluate a school district's, the institute's, or a public school's turnaround plan. And the commissioner may require the state review panel to conduct one or more on-site visits as part of the evaluation.

In the third year in which a school district or the institute is accredited with priority improvement plan or lower, or earlier at the school district's or institute's request, the school district or institute must hold a parent and community meeting. Department personnel must attend the meeting. The act specifies the information that must be provided at the meeting and the requirements for providing notice of the meeting. A school district or the institute, as appropriate, must also hold a parent and community meeting for a public school that is in the third year of implementing a priority improvement or turnaround plan, or earlier, and must combine the parent and community meeting with the public meeting required by statutes existing before passage of the act. If the public meeting concerns a charter school, the governing board of the charter school must consent to holding the meeting earlier than the third year. Department personnel must attend the meeting. The department may require a school district or an institute charter school to provide proof of compliance with other public meeting requirements that apply to adoption of a priority improvement or turnaround plan.

Before passage of the act, if a school district or the institute was accredited with priority improvement plan or lower for 5 consecutive years, the department could recommend that the state board of education (state board) remove the school district's or institute's accreditation. The act changes the time period, beginning with the 2018-19 school year, by providing that, if a school district or the institute performs at a level that results in being accredited with priority improvement plan or lower for 2 consecutive years followed by 3 additional years, consecutive or nonconsecutive, for a total of 5 years, the state board shall require the school district or institute to take action as provided in statute. But if the school district or institute performs at a level that results in being accredited at a level higher than priority improvement plan for 2 consecutive years after the first 2 of the 5 years, then the 5 years stop accumulating. This change to calculating the 5 years also applies to a public school that performs at a level that results in being required to adopt a priority improvement or turnaround plan. While the 5 years are accumulating, the school district, institute, or public school is on performance watch. For the fourth year in which a public school, a school district, or the institute is on performance watch, the priority improvement or turnaround plan adopted by the public school, school district, or institute must include a description of how it would implement the actions that the state board may direct at the completion of 5 years on performance watch.

The act also changes the consequences for completing 5 years on performance watch. Under the act, the commissioner must assign the state review panel to evaluate the school district's or the institute's performance and recommend one or more of several specified actions, which may include removal of accreditation. After considering the recommendations, the state board must determine the appropriate actions and direct the school district or institute accordingly. The school district or institute then goes on a 2-year cycle of evaluation by the state review panel, which may result in additional directions from the state board to the school district or institute. The school district or institute remains subject to the 2-year cycle until it performs at a level that results in being accredited with improvement plan or higher for 2 consecutive years. A comparable requirement for a 2-year cycle of review by the state review panel applies to a public school that completes 5 years on performance watch.

The act clarifies that the state board, at the request of a school district or the institute, may direct the school district or institute to take one of the specific actions, for itself or for a public school, before the school district, institute, or public school completes the 5 years on performance watch. If the direction concerns a charter school, the governing board of the charter school must consent to taking action before completion of the 5 years.

The act makes several changes to the performance indicators for measuring the performance of public schools, school districts, the institute, and the state, including:

- Repealing the specific details for calculating performance of the achievement and longitudinal growth indicators and directing the state board to specify calculations in rule;
- Creating a performance indicator that measures growth to standards; and
- Removing the performance indicator concerning closing the achievement gaps and requiring the department to disaggregate performance by student groups in each of the remaining performance indicators and separately account for the performance of each student group on each performance indicator.

The act requires the annual performance reports for public schools, school districts, the institute, and the state to specify the percentage of students enrolled by each public school, school district, or the institute who score at each of the performance levels on the statewide assessments.

The act changes the existing school turnaround leaders development program to the school transformation grant program. Under the school transformation grant program, in addition to awarding grants for the development of school turnaround leaders, the state board must award grants to applying school districts, the institute, and charter schools for educator professional development and to implement instructional transformation in the public schools.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1379 <u>Public school total program funding - rural school funding - early childhood</u> <u>at-risk enhancement (ECARE) positions - "English Language Proficiency Act" funding</u> <u>allocation - department of education reporting requirements - appropriation.</u> The act:

- Increases the statewide base per pupil funding for the 2018-19 budget year by \$222.57 to account for inflation, for a new statewide base per pupil funding of \$6,768.77.
- Sets the minimum district total program funding for the 2018-19 budget year.

The district total program funding reflects a \$150 million reduction in the budget stabilization factor over the prior budget year.

- For the 2018-19 budget year, distributes \$30 million on a per-pupil basis to large rural districts and small rural districts, including district charter schools and each institute charter school whose accounting district is a large or small rural district. Large rural districts share 55% of the appropriation, and small rural districts share 45% of the appropriation. The act uses a district's funded pupil count for the 2017-18 budget year. The act specifies the intended uses of the money.
- Increases by 1,000 slots the number of early childhood at-risk enhancement, or ECARE, slots that may be used for preschool students or to extend kindergarten to full-day kindergarten;
- Changes the funding allocation for the "English Language Proficiency Act" (ELPA) by allocating funding proportionately, based on the number of students who have no or limited English proficiency and the number of students who are newly fluent but who need monitoring, and clarifies that a district certifies the number of English language learners and the department of education determines a student's eligibility for funding under the ELPA;
- Amends the requirements relating to core course level participation and performance reports by limiting reporting on core courses to only the middle and high school levels and by delaying the date by which the department shall make the report available on its website; and
- Amends the reporting requirement relating to the annual report on the effectiveness of educator preparation programs to require the inclusion of certain data in the report only if the data is available at the time of the annual report.

For the 2018-19 state fiscal year, the act appropriates:

- \$150,000,000 to the department of education for the state share of districts' total program funding, consisting of \$119,276,209 of general fund and \$30,723,791 from the state public school fund.
- \$5,161,872 from the state education fund to the department of education for the state share of districts' total program funding.
- \$3,727,500 to the department of education for ASCENT program funding.
- \$191,043 from the state education fund to the department of education for hold-harmless full-day kindergarten funding.
- \$30,000,000 from the state education fund to the department of education for additional funding for rural school districts and charter schools.
- \$4,151,996 from the general fund to the department of education for additional Colorado preschool program participants.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

H.B. 18-1393 Early literacy education - READ act - per-pupil intervention money - early literacy grant program - appropriation. Before passage of the act, the state board of education (state board) was required to adopt an approved list of reading assessments, and the department of education (department) was required to adopt advisory lists of literacy

programming and professional development in literacy. With regard to the list of approved assessments and the advisory lists, the act:

- Clarifies that the assessments and literacy programming must be evidence-based or scientifically based and must be aligned with the state academic standards;
- Directs the state board and the department to review the approved list of assessments every 4 years and the advisory lists of literacy programming and professional development programs every 2 years;
- Requires the process for appealing the materials placed on the assessment list or the advisory lists to include appeals by school districts, boards of cooperative services, and charter schools (local education providers) and directs the department to consider certain materials provided by appellants; and
- Requires the department to ensure that the process for reviewing and adding assessments to the approved list and materials to the advisory lists must include consultation with local education providers and be transparent.

The statutes existing before passage of the act specify the portion of the early literacy fund that the department must distribute as grants through the early literacy grant program. The act allows for an increase in the amount distributed through the early literacy grant program.

The act requires a local education provider, at the department's request, to provide specific information explaining how the local education provider spent the per-pupil intervention money it received. The act expands the purposes for which a local education provider may use the per-pupil intervention money and requires the local education provider to use the money for early-grade reading initiatives rather than replacing money received from other sources.

The act directs the state board, in adopting rules for applying for grants through the early literacy grant program, to ensure that rural school districts and small rural school districts, and district and institute charter schools located within rural and small rural school districts, can submit simplified grant applications. The act directs the state board to award specified percentages of the total amount allocated for the grant program to applications for certain types of programs.

The act directs the commissioner of education (commissioner), by September 1, 2018, to convene a working group to review the creation and use of reading-to-ensure-academic-development (READ) plans by local education providers and to recommend any necessary regulatory or implementation changes to continue and improve the use and effectiveness of READ plans. The commissioner must submit a report of the findings and recommendations to the state board and the education committees of the general assembly by February 1, 2020.

For the 2018-19 fiscal year, the act appropriates \$1,000,000 from the marijuana tax cash fund to the department to distribute through the early literacy grant program.

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APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

2018 DIGEST

EDUCATION - PUBLIC SCHOOLS

H.B. 18-1396 <u>High schools - advanced placement exam fee grant program - appropriation.</u> The act creates the advanced placement exam fee grant program (grant program) in the department of education (department). The grant program provides funds to high schools to reduce or eliminate the advanced placement exam (exam) fee for low-income students. The department must award a grant for each exam taken by an eligible student in an amount determined based on available appropriations. The amount set for each exam must be the same, regardless of the subject of the exam.

\$554,869 is appropriated to the department for the implementation of the act.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1412 Teacher shortage - retaining teachers grant program - appropriation. The act creates the retaining teachers grant program (grant program) to assist school districts, boards of cooperative services, and charter schools (local education providers) in implementing initiatives to improve retention of teachers. The department of education (department) is directed to implement the grant program by reviewing applications and recommending grant recipients and grant amounts to the state board of education (state board), which awards the grants. The department is also directed to provide information to local education providers concerning the grant program and provide assistance in writing grant applications if requested. Each grant is awarded for 3 years, subject to annual review by the department and renewal by the state board. The grants are paid from the retaining teachers fund created in the act. The department must submit annual reports to the state board and to the joint budget committee and the education committees of the general assembly concerning implementation of the grant program, including an evaluation of the effectiveness of the grant program in reducing the teacher shortage in Colorado, any recommendations for changes to improve the effectiveness of the grant program, and a recommendation concerning continuation of the grant program. The grant program is repealed, effective July 1, 2022.

For the 2018-19 fiscal year, the act appropriates \$3,000,000 to the retaining teachers fund and gives continuous spending authority to the department for purposes of the grant program.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

EDUCATION - POSTSECONDARY

S.B. 18-69 <u>Statewide transfer agreements - additional course requirements.</u> If an institution of higher education admits as a junior a transfer student who holds an associate of arts degree, associate of applied science degree, or an associate of science degree that is the subject of a statewide degree transfer agreement, the institution shall not require the student to complete any additional courses to fulfill general education requirements. The institution may require the student to complete additional courses for the major that are not part of the statewide transfer agreement if doing so does not require the student to take more total credit hours or total time to receive the degree than students who started the degree program at the institution. If the institution requires the student to complete additional courses for the institution is responsible for the total cost of tuition for any required credit hours that exceed the total credit hours required for students who started the degree program at the institution or that extend the total time to complete the degree program at the institution or that extend the degree.</u>

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-87 <u>Refugee and immigrant students - in-state tuition.</u> Under the act, refugees and certain special immigrants admitted to the United States pursuant to federal law who have settled in Colorado are eligible for in-state tuition status at institutions of higher education.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-101 <u>Colorado state university - student admission criteria.</u> Colorado state university - global campus is permitted to admit first-time freshman baccalaureate students who reside in Colorado and who are under 23 years of age.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-177 <u>Private schools - private occupational schools - surety bonds.</u> The act allows the department of higher education to make a claim on a private occupational school's or private degree-granting school's surety bond for reimbursement of its actual administrative costs associated with the school's closure. After the surety bond has been used to facilitate student transfer or provide tuition and fee reimbursement, the department may retain any remaining amount as reimbursement for administrative costs associated with the school closure. In the instance of a closed private occupational school, the act allows the division

of private occupational schools to maintain a closed school's records at any location.

APPROVED by Governor May 3, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-206 <u>Public research institutions - enrollment - percentage of in-state and foreign</u> <u>students - requirements - appropriation.</u> Under current law, the number of in-state students enrolled at public institutions of higher education is governed by various percentage limits and requirements. The act standardizes the calculation for public research institutions in the following ways:

- Requires the university of northern Colorado (UNC) and the Colorado school of mines (CSM), in addition to the university of Colorado (CU) and Colorado state university (CSU), to admit 100% of academically qualified Colorado first-time freshman students;
- Reduces the various percentages so that in-state students make up no less than 55% of total enrollments at each campus of CU and at CSU, UNC, and CSM, excluding foreign students and students enrolled solely in online courses; and
- Increases the cap on foreign students enrolled at CU and CSU to 15% of total student enrollment and includes UNC and CSM in the percentage limit.

The department of higher education (department) shall submit an annual report to specified committees of the general assembly demonstrating that the institutions included in the act have met resident admission and enrollment requirements. The department and the public research institutions shall ensure that necessary data is available for the report.

For the 2018-19 state fiscal year, the act appropriates \$8,181,450 from student tuition to the department for use by the regents of the university of Colorado.

APPROVED by Governor June 5, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-262 <u>Higher education funding - additional appropriation.</u> The act requires the general assembly to appropriate, in addition to money appropriated in the general appropriations act, \$16,747,025 to the department of higher education for allocation to institutions of higher education. The general assembly is permitted to appropriate this additional money in a manner inconsistent with existing statutory requirements.

The act appropriates \$16,747,025 to the department of higher education for need-based grants, scholarships, student stipends, fee-for-service contracts with institutions of higher education, and local district college grants.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1048 Fort Lewis college - Hesperus account. Current law requires the general assembly to make an appropriation from the "Hesperus account" (account), which comprises the proceeds of or income from the property formerly known as the "Fort Lewis school", to the board of trustees for Fort Lewis college prior to spending. The act eliminates the requirement that spending from the account is subject to an appropriation by the general assembly.

APPROVED by Governor March 7, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1052 <u>Concurrent enrollment programs - outside of college service area.</u> Under current law, a 2-year institution of higher education may provide a concurrent enrollment program or course to local education providers that are located within the institution's college service area approved by the Colorado commission on higher education (commission). The act requires the commission to establish a policy that allows a 2-year institution of higher education provider that is not within its college service area if the designated 2-year institution of higher education chooses not to provide a concurrent enrollment program or course requested by the local education provider.

The act specifies how these concurrent enrollment programs or courses will be funded and clarifies that the act does not affect provisions in article 35 of title 22, Colorado Revised Statutes, relating to the tuition rate paid for concurrent enrollment programs or courses.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1193 <u>Advanced placement incentives pilot program - 3-year extension - reporting</u> <u>of program data - appropriation</u>. The act extends the advanced placement incentives pilot program (pilot program) for 3 years to 2021. The act requires the department of education to report the number of students in the pilot program who enrolled in advanced placement courses during the prior school year and to collect disaggregated data from the advanced placement exam vendor to capture the performance of students who are participating in the pilot program on the end-of-course advanced placement exams.</u>

The act requires the department of education to report to certain committees of the general assembly the information specified in the act, including data relating to the number and amount of financial incentives distributed to each participating school district.

For the 2018-19 fiscal year, the act appropriates \$260,937 from the state education

fund to the department of education for purposes of the advanced placement incentives pilot program.

APPROVED by Governor May 3, 2018

EFFECTIVE May 3, 2018

H.B. 18-1226 <u>Annual return on investment report - undergraduate degree and certificate</u> programs - state institutions of higher education - appropriation. The act requires the department of higher education (department) to prepare an annual return on investment report of undergraduate degree programs and certificate programs offered at each state institution of higher education.

The act specifies the information and analysis that must be included in the return on investment report, which includes, in part, the average student loan debt for students in the undergraduate degree program or certificate program and the average time to completion for students in the degree program or certificate program. The department shall submit the annual return on investment report to the education committees of the general assembly and shall post the report on the department's website.

For the 2018-19 state fiscal year, the act appropriates \$74,153 of general fund to the department for administration expenses relating to the Colorado commission on higher education.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1228 <u>Relocation of higher education statutes - provisions relating to military</u> <u>members and dependents.</u> The act creates a new article 7.4 in title 23, Colorado Revised Statutes, titled "Military Members, Veterans, and Dependents", in order to locate higher education provisions relating to the military in the same article, whenever practicable.

Part 1 includes general provisions, including cross-references to provisions relating to the military in other articles of title 23.

Part 2 includes relocated provisions from article 7 of title 23 relating to in-state tuition classification relating to the military.

Part 3 includes a relocated provision relating to financial assistance for Colorado National Guard members and a cross-reference to financial assistance programs in another article of title 23.

The act repeals the provisions that have been relocated to article 7.4 of title 23.

APPROVED by Governor April 9, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the

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effective date, see page vi of this digest.

H.B. 18-1252 <u>Trafficking in academic materials - selling assignments or answers to online exams - civil penalty.</u> The act defines "assignment" to include any specific written, recorded, pictorial, artistic, or other academic task, and maintains the existing offenses related to preparing or selling assignments, or advertising the same. The act prohibits a person from preparing, selling, or offering to sell a document or service that provides answers for, or completes on behalf of a student, an online exam that is administered pursuant to a course of study at any institution of higher education, or advertising the same.</u>

The act authorizes the attorney general to bring a civil action against a person who commits a violation related to the sale of academic assignments or online exam answers and creates a civil penalty of up to \$750 for each violation.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1300 Local district colleges - completion degrees in nursing. The act allows a local district college (college), such as Aims community college, to offer a bachelor of science degree in nursing program as a completion degree in nursing to students who have or are pursuing an associate degree in nursing, provided that the college's board of trustees determines it is appropriate to address the needs of the communities within its service area, as approved by the Colorado commission on higher education based on existing criteria.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1331 Open educational resources - council - grant program - guidelines - appropriation. The act creates the Colorado open educational resources council (council) in the department of higher education (department). The council includes persons appointed by the executive director of the department from public institutions of higher education, including a student, the executive director of the department, the commissioner of education, and the state librarian.

The council is directed to:

- Recommend to the Colorado commission on higher education (commission) statewide policies for promoting the adaptation, creation, and use of open educational resources at public institutions of higher education across the state;
- Facilitate professional development and the sharing of knowledge regarding open educational resources for public institutions of higher education, faculty, staff, and students;

- Implement the open educational resources grant program (grant program) created in the act; and
- Submit to the commission, the joint budget committee, and the education committees of the general assembly an annual report concerning the use of open educational resources in public institutions of higher education across the state.

The act creates the grant program to provide grants to public institutions of higher education to develop the use of open educational resources at the institutions and grants to faculty and staff, individually or in groups, to create and adapt open educational resources. Each grant recipient must submit information to the council concerning its use of the grant and the effectiveness of the open educational resources initiative funded by the grant. The council must include a summary of the information received in the annual report.

The council and the grant program are repealed, effective November 1, 2021.

The act directs the commission to adopt guidelines requiring public institutions of higher education, beginning in the fall of 2021, to inform students concerning those courses that use open educational resources.

For the 2018-19 fiscal year, the act appropriates \$660,000 to the department to implement the act.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

H.B. 18-1332 <u>Collaborative educator preparation grant program - created - appropriation.</u> The act creates in the department of higher education (department) the collaborative educator preparation grant program (grant program) to support joint initiatives among educator preparation programs, alternative teacher programs, school districts, boards of cooperative services, and public schools for preparing and placing educators. The department, working with the rural education coordinator, is directed to convene meetings of educator preparation programs, alternative teacher programs, school districts, boards of cooperative services, and public schools to assist them in jointly preparing grant initiatives. The department must review the grant initiatives that are submitted and, taking into account specified criteria, select initiatives to receive one-time grants. Each grant recipient must report specified information to the department concerning the use of the grant money. The department must submit a report to the joint budget committee and the education committees of the general assembly concerning implementation of the grant program and whether it was successful in addressing the teacher shortage in the state. The grant program repeals July 1, 2021.

\$2,000,000 is appropriated to the department of higher education for the 2018-19 fiscal year to implement the grant program.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

H.B. 18-1366 <u>Local college districts - authority to sell or lease property</u>. The act grants local college districts the authority to sell or lease district property whether or not the property may

be needed within the foreseeable future.

APPROVED by Governor May 25, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

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S.B. 18-25 <u>Urban drainage and flood control district elections - authorization for elections</u> to be coordinated or held independently - district's share of costs in coordinated election - notice of election - updates to definitions. The election provisions for the urban drainage and flood control district (district) have not been changed since 1992. The act makes the following changes to the provisions relating to district elections:

- Adds definitions of "elector" or "registered elector" and "special election" or "election" to conform the district's laws with the "Uniform Election Code" (code). The act clarifies the definition of "publication" so that it conforms with the code. The act amends the definition of "taxpaying elector", eliminating the ability to vote based on a spouse or civil union partner owning taxable property within the district.
- Clarifies that district elections may be held independently at a special election in conformance with the "Colorado Local Government Election Code" or in coordination with the county clerk and recorders of counties included in the district. It also calls for the district to pay the district's costs related to a coordinated election.
- Deletes an obsolete provision specifying the date in advance of an election that the board of directors of the district must adopt a resolution calling a district election.
- Conforms annexation elections to current requirements of the "Colorado Local Government Election Code" and makes ballot questions for district annexation elections similar to the procedures used for special district inclusion elections.

APPROVED by Governor March 7, 2018

EFFECTIVE March 7, 2018

S.B. 18-76 New election offense - facilitating vote trading - penalty. The act makes it unlawful for any person to facilitate the trading of votes between an elector in the state or a person in another state in exchange for the other person's vote for or against a particular candidate, ballot issue, or ballot question. A violation is a class 2 petty offense and, upon conviction, is punishable by a fine of not more than \$1,000 for each occurrence.

APPROVED by Governor May 4, 2018

EFFECTIVE September 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-150 <u>Voter pregistration - individuals on parole - voter information for individuals</u> <u>on parole and probation - appropriation.</u> A person on parole may preregister to vote. A person who preregisters is required to meet all the requirements of a person who registers. When the secretary of state (secretary) receives notice that the person has been discharged from parole, the person is automatically registered to vote.

The division of adult parole (division) is required to facilitate the voting rights of people being discharged from parole. The division is required to provide information to
individuals on parole about their right to preregister to vote. When a person is being discharged from parole, the division is required to provide information about the person's right to vote, how the person can register or update their registration, how to obtain and cast a ballot, and how to get voter information materials. The division must send a report of individuals being discharged from parole to the secretary in order to allow the registration of any individual who has preregistered.

A probation officer is required to provide information to an individual on probation about the person's right to vote, how the person can register or update their registration, how to obtain and cast a ballot, and how to get voter information materials.

\$89,600 is appropriated to the department of corrections from the general fund. The money is reappropriated to the office of the governor for use by the office of information technology to implement the act. \$95,555 is appropriated to the department of state from the department of state cash fund to implement the act.

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-233 <u>Uniform Election Code of 1992 - technical modifications</u>. The act makes the following technical modifications to the "Uniform Election Code of 1992" (code):

- Clarifies that any undeliverable message or any other message indicating that an elector's electronic-mail address is no longer valid does not need to be stored in the statewide voter registration system.
- Specifies how a homeless elector establishes a residence for purposes of voter registration.
- Clarifies that existing requirements prohibiting a loss of voter registration status while a person is confined in a correctional facility, jail, or state institution apply when the person is not serving a sentence for a felony conviction; clarifies that existing requirements permitting a confined prisoner who is awaiting trial or has not been tried to register to vote also applies to a prisoner who is not serving a sentence for a felony conviction; and allows all such prisoners to list their confinement location as their ballot address for voter registration purposes.
- Clarifies the text of certain questions that an elector answers upon registering to vote and adds as a question the address where the elector wishes to receive his or her ballot if different from the address of record. The act also makes a conforming change to the definition of "confirmation card".
- Clarifies the information that a prospective elector must provide when registering to vote at a driver's license examination facility and makes changes to existing statutory provisions to facilitate the registration of electors at such facilities.
- Specifies that a declaration or change of affiliation made by an unaffiliated elector must be deferred if the elector has already been mailed a primary

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election ballot packet. The deadline by which the elector must declare, change, or withdraw an affiliation only applies to a primary election and does not apply to a general or coordinated election.

- Requires the department of state, no later than July 31, 2019, to regularly provide the department of revenue (DOR) with current voter registration information. The DOR must use the information to determine whether an individual is registered to vote at the time he or she applies to obtain, renew, or update a driver's license or state identification card. The department of state is required to reimburse DOR, through a one-time reimbursement, for any additional costs DOR incurs in connection with updating Colorado DRIVES, their driver and vehicle services information technology system.
- Shortens the deadlines for registering to vote in advance of a political party caucus, assembly, or convention and for affiliating with the political party in advance of such events.
- Requires the state central committee of each major political party to compile and provide to the secretary of state (secretary) information concerning the membership of the county central committees of the party in addition to the bylaws or rules of each county central committee.
- Prohibits an unaffiliated elector from signing a petition for a candidate of a major political party.
- Prohibits a write-in vote for president in a general election from being counted unless it includes a write-in vote for vice-president.
- Deletes an existing statutory requirement that a copy of the notice of the cancellation of an election be posted at each voter service and polling center (VSPC) of the political subdivision.
- Repeals statutory language requiring the county clerk and recorder (county clerk) to prepare a combined primary election ballot to be used by unaffiliated electors.
- Clarifies the certification requirements for election judges so that they must certify that they are residents of the state and need not certify that they reside in the political subdivision. Changes the date in advance of an election when classes for training election or supervisor judges must be held from 45 days to 60 days before the election.
- Changes the deadline by which the appropriate official of a minor political party must certify to the county clerk an initial list of the names and addresses of electors serving as election judges for a primary general election from the last Tuesday in April of even-numbered years to 60 days before the election.
- Changes the deadline by which any unaffiliated elector may give notice to the county clerk offering to serve as an election judge for a primary general election from the last Tuesday in April of even-numbered years to 60 days before the election
- Replaces the term "precinct" with "VSPC" in 3 statutory sections addressing election and supervisor judges. Requires the county clerk to appoint election judges for each location where election activities are occurring instead of for each precinct as under existing law. Permits the county clerk to appoint an election judge to serve in a county other than the county in which the election judge resides. If more than one supervisor judge is serving at a VSPC, requires the judges to be of different political party affiliations.
- Replaces the term "polling location" with "VSPC" in a statutory section

dealing with the number of election judges.

- Repeals an outdated statutory section that requires, where voting is by ballot or on a ballot card, a particular counting of the ballots and the sealing of the transfer box and also includes provisions concerning preparation of the paper tape in electronic voting.
- Changes the deadline by which comments pertaining to a ballot issue must be filed with the political subdivision.
- Changes, for referred ballot measures, the deadline by which petition representatives are required to submit to the political subdivision comments favorable to the petition from 43 days to 44 days before the election.
- Changes the deadline by which the designated election official of a political subdivision (DEO) is required to submit to the county clerk the full text of any required ballot issue notices from 42 days to 43 days before the election.
- Eliminates the general requirement that a secrecy envelope or sleeve be included in a mail ballot packet. Modifies the language used for instructing the elector on completing a mail ballot. The act also requires the county clerk to ensure the privacy of each elector's vote when election judges are removing and separating marked ballots from return envelopes and specifies actions that must be taken by the county clerk if he or she chooses not to include a secrecy envelope or sleeve in the mail ballot packet.
- Changes the deadline by which a DEO is required to provide a mail ballot to a registered elector who requests the ballot at the DEO's office or the office designated in the mail ballot plan filed with the secretary.
- Repeals statutory provisions governing the process of applying for an absentee ballot.
- Requires a declaration accompanying a federal write-in absentee ballot that is received after the election to be treated as an application to register to vote for subsequent elections.
- Changes the deadline by which the DEO is to complete the verification and counting of all provisional ballots.
- Changes the deadline by which the canvass board is to complete its duties to 22 days after any election coordinated by the county clerk and recorder.
- In the case of an election that includes a statewide ballot measure, changes the deadline by which the county clerk is to transmit to the secretary the portion of the abstract of votes cast that contains the statewide abstract of votes cast. The act also changes the deadline by which the secretary is to compile and total election returns, determine if a recount is necessary, and order any recounts.
- Changes the deadline by which the canvass board is to certify to the DEO the official abstract of votes cast for all candidates and ballot measures in the election from 17 days to 22 days after the election.
- Deletes a requirement that the secretary notify the affected county clerk of a recount for congressional, state and district offices, state ballot questions, and state ballot issues by means of registered mail and facsimile transmission. Changes the deadline for completing the recount from 30 days to 35 days after the election.
- Changes the deadline by which a recount of other offices, ballot issues, and ballot questions arising out of an election coordinated by the county clerk is to be completed from 30 days to 35 days after the election and also changes

another deadline affecting the notice to be given to the county clerk by a political subdivision where a recount is being waived.

- Changes the deadlines by which an interested party is to submit a notarized written request for a recount and by which an automatic recount is to be completed to 28 days after the election.
- Changes the manner of calculating the number of signatures required for a petition to recall a school district director.
- Changes the deadline by which a signer may request that his or her name be stricken from a recall petition to no later than 3 days after the petition has been filed.

For the 2018-19 state fiscal year, \$63,000 is appropriated to the department of state from the department of state cash fund for use by the elections division. To implement the act, the elections division may use the appropriation for operating costs. For the 2018-19 state fiscal year, \$63,000 is appropriated to the department of revenue from reappropriated funds received from the department of state. To implement the act, the department of revenue may use the appropriation for operating expenses related to Colorado DRIVES.

APPROVED by Governor May 29, 2018

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H.B. 18-1047 <u>Campaign finance - Fair Campaign Practices Act - technical modifications.</u> The act makes various technical modifications to the "Fair Campaign Practices Act" (FCPA) to facilitate its administration. Specifically, the act:

- Excludes from the definition of "contribution" in the FCPA the payment of legal fees to advise a candidate on compliance with campaign finance law or regulations or to represent a candidate or candidate committee in any action in which the candidate or candidate committee has been named as a defendant. The act also excludes from the definition of "expenditure" in the FCPA legal services paid to defend a candidate or candidate committee against any action brought to enforce the campaign finance provisions of the state constitution or the FCPA.
- Modifies various existing statutory provisions to reflect distinctions among different types of committees or other entities. The act also allows a disbursement that is not otherwise defined as an expenditure to be reported to the appropriate officer.
- Eliminates unnecessary, overly burdensome, and potentially unconstitutional double reporting of certain campaign contributions.
- Cleans up and corrects errors that resulted from campaign finance legislation adopted during the 2016 regular session.
- Removes certain paper-filing provisions that are rendered obsolete by electronic filing. The act also permits the secretary of state (secretary) to give notice of certain campaign finance reporting deficiencies by regular mail if an e-mail address is not known.
- Clarifies procedures to be followed in connection with a person's failure to file a candidate affidavit or disclosure statement and the investigation of campaign finance violations. The act also allows the parties in a campaign finance

enforcement action in which attorney fees and costs have been awarded to apply to the district court to convert an award of fees and costs into a district court judgment. The act also allows the secretary to intervene in any action pending before the administrative courts or the court of appeals that is brought to enforce the campaign finance provisions of the state constitution or the FCPA.

• Allows the secretary discretion in deciding whether to forward to the state controller the collections of past-due debts resulting from campaign finance violations.

APPROVED by Governor April 23, 2018

EFFECTIVE April 23, 2018

H.B. 18-1145 <u>Initiative and referendum - signatures - circulator requirements -</u> <u>compensation.</u> The laws that were ordered permanently enjoined from enforcement in *Independence Inst. v. Gessler*, 936 F. Supp. 2d 1256 (D. Colo. 2013), that require ballot issue petition circulators to be Colorado residents and that limit the amount of per-signature compensation that ballot issue petition circulators may be paid, are repealed.

APPROVED by Governor April 9, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1268 Special districts - recall of a director - election to recall a director - petition to recall a director - procedures. The act establishes procedures to govern the recall of a director of a special district. The court for the special district appoints a designated election official (DEO) to oversee the recall election. The director and the director's spouse or civil union partner cannot serve as the DEO.

Recall petitions must be approved as to form by the DEO before being circulated. A petition must designate a committee to represent the signers, name only one director, include a brief statement of the grounds for the recall, and provide certain warnings to electors concerning their eligibility to sign.

Signed petitions must be filed with a signed and notarized circulator affidavit with the DEO within 60 days after their form has been approved. The DEO is required to review the petition and issue a written determination that the petition is sufficient or not sufficient within 5 business days, unless a protest is filed before that date.

An eligible elector may file a protest of a recall petition within 15 days after a petition is filed. In the case of a protest, a hearing is required and the DEO is the hearing officer. The hearing officer is required to issue a determination that the petition is sufficient or not sufficient within 15 days after the conclusion of the hearing.

If a petition is determined not sufficient, the committee representing the electors may withdraw, amend, and refile it within 15 days. A petition can only be withdrawn and refiled once. A determination that a petition is sufficient or not sufficient is subject to judicial

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review on request by the director, the director's representative, or a majority of the committee representing the electors, but judicial review cannot include the statement of the grounds on which the recall is sought.

If a petition is determined sufficient, the board of the special district must set a date for the recall election and determine whether the election will take place at the polling place or by mail ballot. If a regular special district election is to be held within 180 days after the date on which the board orders the recall election, the recall election must be held as part of the regular election. If the director is seeking reelection at that regular election, only the question of his or her reelection appears on the ballot. If the director's successor is to be chosen at that regular election, and the director is not seeking reelection, only the selection of the successor appears on the ballot. The recall election may also be held as part of a coordinated election if the information required for the ballot is determined within the deadline and the county clerk and recorder agrees.

The ballot for a recall election must include the statement of grounds for the recall that was included in the petition. The director may file a statement in support of his or her retention, which must also be included on the ballot if it is timely filed. The ballot must also include the names of candidates nominated to fill the office if the director is recalled.

If the director resigns in writing prior to the election, the recall proceedings are terminated and the office is filled as a vacancy.

If an incumbent is not recalled, or if a recall petition is deemed not sufficient, the special district may reimburse the director for reasonable expenses. The special district must pay the costs of the county clerk and recorder and the DEO for the recall election.

After one recall election that does not recall the director, any subsequent recall petition must be signed by more than 50% of the eligible electors to be sufficient.

APPROVED by Governor May 4, 2018

EFFECTIVE May 4, 2018

FINANCIAL INSTITUTIONS

H.B. 18-1388 Securities - registration statement exemption - mutual fund offerings - notice <u>filing</u>. Existing law generally requires that, for a person to issue a security, either the security or the person must be exempt or the person must register the security with the securities commissioner. The federal "National Securities Markets Improvement Act of 1996" (NSMIA) preempts certain provisions of the "Colorado Securities Act" that require the filing of a registration statement and the collection of fees for mutual fund offerings. NSMIA permits state securities regulators to require only notice filing and the payment of a required fee for mutual fund offerings.

Sections 1, 2, and 5 of the act eliminate the registration requirement, and section 3 substitutes a notice filing requirement. The notice is valid for 12 months, must be accompanied by a fee established by the securities commissioner, and can be renewed.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GENERAL ASSEMBLY

S.B. 18-31 <u>Title 12 recodification study - one-year extension - appropriation.</u> Committee on Legal Services. The act extends for one additional year the title 12 recodification study being conducted by the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes relating to professions and occupations regulated by the department of regulatory agencies.

\$54,257 is appropriated from the general fund to the legislative department for use by the committee on legal services to fund the extended study.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-39 <u>Wildfire matters review committee - extension of committee's repeal date - elimination of obsolete provisions - legislative recommendations - appropriation.</u> The wildfire matters review committee (WMRC) was scheduled to repeal on July 1, 2018. The act extends the repeal date to September 1, 2025.

The act eliminates obsolete provisions relating to the WMRC's obligation to consider codifying the wildland and prescribed fire advisory commission, an entity created by executive order. The WMRC discharged that obligation by considering the issue during the 2014 legislative session.

The act specifies that the WMRC may recommend up to 5 bills during each legislative interim. Legislation recommended by the committee must be treated as legislation recommended by an interim committee for purposes of applicable deadlines, bill introduction limits, and any other requirements imposed by the joint rules of the general assembly.

\$49,125 is appropriated from the general fund to the legislative department for the 2018-19 state fiscal year to implement the act.

APPROVED by Governor May 18, 2018

EFFECTIVE May 18, 2018

H.B. 18-1369 <u>Statutes - obsolete references - former proposition AA refund account.</u> **Statutory Revision Committee.** The act removes statutory references to section 39-28.8-604, Colorado Revised Statutes, the former proposition AA refund account that was repealed on July 1, 2017.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - COUNTY

S.B. 18-156 <u>Publication of fiscal information</u>. Current law requires each county to publish a report about its expenses and contracts (expense report), the salaries of public employees and officials in the county (salary report), and the financial statements for each fund kept by the county treasurer (financial statement).

The salary report is currently published twice per year. The act changes the salary report to an annual report.

Currently, the expense report, the salary report, and the financial statement must be published in a legal newspaper in the county. Commencing January 1, 2022, publication may be made in a legal newspaper and may also be made in the county administrative office, or publication can be made conspicuously on the county's website with a link in a legal newspaper in the county.

VETOED by Governor June 5, 2018

S.B. 18-223 <u>Autopsy reports prepared by county coroner - death of a minor - report confidential unless specified exceptions permit disclosure.</u> The act specifies that an autopsy report prepared in connection with the death of a minor is confidential and may be disclosed by the county coroner to any other person or entity only in accordance with certain exceptions.

The act allows the coroner or his or her designee to provide a copy of the autopsy report prepared in connection with the death of a minor only to:

- A parent or legal guardian of the deceased if the parent or legal guardian submits a copy of a written request to the coroner for a copy of the report in addition to an affidavit, signed by the parent or legal guardian under the penalty of perjury, verifying his or her relationship to the decedent;
- A law enforcement or criminal justice agency, including a district attorney, that is either investigating the death or prosecuting a criminal violation arising out of the death upon the request of the law enforcement or criminal justice agency, including a district attorney;
- A requesting party in a civil case where the moving party demonstrates to the court that the autopsy report is discoverable in accordance with the Colorado rules of civil procedure, upon the entry of a specific order of the court authorizing disclosure of the autopsy report, and in accordance with any protective order necessary to limit disclosure of the identity of the deceased and other identifying personal information;
- Counsel for the defendant, or the defendant if he or she is not represented by counsel, for discovery purposes in a criminal case upon the entry of a specific order of the court authorizing disclosure of the autopsy report in accordance with the relevant rules of criminal procedure only if discovery has not otherwise been provided to counsel or the defendant;
- A state child fatality prevention review team or a local or regional child fatality prevention review team upon the request of the applicable review team;

- The Colorado department of public health and environment as necessary for the collection of data in accordance with the Colorado violent death reporting system;
- The Colorado child fatality review team upon the request of the review team;
- A county department of human or social services in connection with the investigation of an incidence of alleged abuse or neglect of a minor;
- The division of youth services in the department of human services in connection with the investigation of a fatality that has occurred within a state owned or operated facility;
- A licensed or certified health care facility where the deceased previously received treatment;
- A community clinic or a treating hospital for inclusion within the medical records of the deceased;
- An eye bank, an organ procurement organization, or a tissue bank;
- A local or regional domestic violence fatality review team or the Colorado domestic violence fatality review board upon the request of a team or the board, as applicable;
- The Colorado department of human services in connection with the investigation of a fatality that has occurred within any facility that is licensed under the "Child Care Licensing Act";
- The office of the child protection ombudsman; or
- A licensed health care provider that previously established a patient-provider relationship with the deceased.

The act permits any person to petition a district court to allow the person access to an autopsy report prepared in connection with the death of a minor on the grounds that disclosure of the report constitutes a significant public benefit. The district court is required to grant the petitioner access to the report upon a finding that:

- Public disclosure of the report outweighs the privacy interests of the deceased and the members of the family of the deceased; and
- The information sought by the petitioner is not otherwise publicly available.

VETOED by Governor June 1, 2018

H.B. 18-1051 <u>Criminal offenses - leaving campfire unattended - failing to reasonably attend</u> <u>fire on state parks and wildlife property - penalties.</u> The act states that any person who starts or maintains a campfire commits the offense of leaving a campfire unattended if he or she knowingly or recklessly:

- Fails to reasonably attend the campfire at all times; or
- Fails to thoroughly extinguish the campfire before leaving the site.

A person who commits the offense of leaving a campfire unattended commits a class 2 petty offense and, upon conviction of the offense, is punished by a fine of \$50.

Under the act, a person who commits the offense of leaving a campfire unattended where the campfire is located in a forested or grassland area commits a class 3 misdemeanor

and, upon conviction of the offense, is punished by a minimum sentence of a \$50 fine up to a maximum sentence of 6 months imprisonment or a \$750 fine, or both.

The act also deletes existing statutory provisions requiring a county to post notices concerning unattended campfires.

With respect to a fire on any property under the control of the division of parks and wildlife, the act also makes it unlawful for any person to start or maintain a fire if he or she knowingly or recklessly fails to reasonably attend the fire at all times or fails to thoroughly extinguish the fire before leaving the site. Any person who violates this section of the act is guilty of a class 3 misdemeanor and, upon conviction thereof, is punished by a minimum sentence of a \$50 fine up to a maximum sentence of 6 months imprisonment or a \$750 fine, or both.

APPROVED by Governor March 22, 2018

EFFECTIVE March 22, 2018

H.B. 18-1142 <u>Repeal obsolete statutory references to "paupers"</u>. **Statutory Revision Committee.** The act modernizes the language in statutory sections by replacing the terms "pauper" and "paupers" with "indigent" or "indigent persons".

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1242 Officers - salary classification. Current law categorizes each county for purposes of establishing the salaries of elected county officials in the county. The statutory salary amounts are adjusted every 2 years for inflation and take effect for terms commencing after any change is made. The act modifies the categories of 4 counties with the accompanying percentage increase in salary as follows:

- Grand county changes from category III-D to category III-B (20% increase);
- Rio Grande county changes from category IV-D to category IV-C (10% increase);
- Saguache county changes from category V-D to category V-B (20% increase); and
- Jackson county changes from category VI-D to category VI-C (10% increase).

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - LOCAL

S.B. 18-106 Local government pledging sales and use tax for capital improvements - statutory reporting requirements – repeal of obsolete provisions. Statutory Revision Committee. Current law specifies that a county, city, or incorporated town may include the creation of a sales and use tax capital improvement fund (special fund) when they seek voter approval to levy a sales or use tax. Before the adoption of section 20 of article X of the state constitution (TABOR), the statute provided that a county, city, or incorporated town needed to create the special fund in order to issue revenue bonds payable solely from the fund for financing capital improvements. Also, if a county, city, or incorporated town wishes to create a special fund after it has already obtained voter approval for the levying of a sales or use tax, then they must seek voter approval for the creation of the special fund.

The creation of the special fund does not have a purpose for a county, city, or incorporated town post-TABOR because the question of using sales or use tax revenues for financing capital improvements is asked when voter approval for the bond issuance is sought. Thus, the language regarding the creation of the fund is unnecessary.

Furthermore, the requirement to seek voter approval for the creation of the special fund after a county, city, or incorporated town has already obtained voter approval for the levying of a sales or use tax predates the adoption of TABOR. Because TABOR requires voter approval for the issuance of any revenue bonds, the requirement to seek voter approval for the special fund is unnecessary and duplicative.

The act repeals the unnecessary and duplicative law and clarifies that the use of sales and use tax revenue bonds for capital improvements requires voter approval under TABOR.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-247 Law enforcement officers and firefighters - work-related death - continuation of medical benefits for dependents. The law enforcement officers' and firefighters' continuation of benefits board (board) is created in the department of the treasury. The board is required to review submissions from counties or municipalities offering law enforcement or fire protection service or any special district or county improvement district in the state offering fire protection service (employers) for the continuation of medical and dental benefits for the dependants of any employee who dies in a work-related death and to oversee the payment of such benefits. The board is composed of the state treasurer, the executive director of the department of public safety, and the executive director of the fire and police pension association, or their designees.

Any employer may enter into an agreement with the board to make quarterly contributions to the law enforcement officers' and firefighters' continuation of benefits fund (fund), which is created in the act, on behalf of each person it employs whose duties are directly involved with the provision of law enforcement or fire protection. Only employers that make contributions to the fund are eligible to have the continuation of benefits for the dependants of an employee who died in a work-related death paid from the fund.

The board is required to determine the amount of the contribution required by each participating employer and the method by which each participating employer shall pay the quarterly contribution to the fund. An employer that chooses not to make contributions to the fund may independently pay for the continuation of benefits for the dependents of any person it employs and who dies in a work-related death.

The dependents of an employee who dies in a work-related death are automatically qualified for the continuation of medical and dental benefits through the employer's medical and dental benefit coverage for 12 months from the end of the month in which the work-related death occurred so long as the dependents had medical or dental benefits through the employer at the time of the employee's work-related death. The board will pay the cost of providing medical or dental benefits on behalf of the employee's dependents from the fund only if the employer has an agreement with the board to make contributions to the fund.

If an employee dies from a work-related death and the money in the fund is insufficient to cover the costs of continuation of benefits for the dependents of the employee, the state treasurer is required to advance sufficient money from the state treasury to cover such costs. The board is required to repay the money on a schedule set by the board.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

S.B. 18-248 Urban renewal authority - special fund to collect incremental revenue to finance urban renewal projects - consent by relevant taxing entity to collection by authority for payment into the special fund of additional revenue received because of voter-approved revenue changes - repayment by authority of additional revenue to taxing entity authorization for authority and taxing entities to enter into agreement on repayment of revenue. Under current law, in connection with the use of a special fund (fund) of an urban renewal authority (authority) to collect the tax increment used to finance urban renewal projects, any additional revenue received by a municipality, county, special district, or school district (taxing entity) resulting because the voters have authorized the taxing entity to retain and spend such money under the TABOR requirements of the state constitution after the creation of the fund or as a result of an increase in the property tax mill levy approved by the voters of the taxing entity after the creation of the fund, to the extent that the total mill levy of any taxing entity exceeds the respective mill levy in effect at the time of approval or substantial modification of the urban renewal plan, are not included in the amount of the increment that is allocated to and, when collected, paid into the special fund.

Under the act, additional revenue that has been received because of the 2 specified forms of voter-approved revenue changes are restricted from being pledged by an authority for the payment of any bonds of, or any loans or advances to, or any indebtedness incurred by the authority without the consent of the relevant taxing entity. To the extent the authority has received a certain notification specified in the act, the authority shall then promptly repay additional revenue to the taxing entity. The act requires the authority to be notified of the amount of additional revenue and the calculations used in computing the amount by the

applicable taxing entity before making repayment and no later than February 1 in each fiscal year following the year in which a voter-approved revenue increase has taken effect.

The act permits an authority and any taxing entity to negotiate for the purpose of entering into an agreement on the issues of the amount of repayment, the mechanics of how repayment of the additional revenue will be accomplished, a method for resolving disputes regarding the amount of repayment, and whether the taxing entity will waive the repayment requirement, singularly or in combination, and are further authorized to enter into an intergovernmental agreement regarding any of these issues.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1031 Fire and police pension association - new hire pension plans - entry into defined benefit system. An employer that is affiliated with the fire and police pension association (FPPA) that provides a money purchase plan for its employees is authorized to apply to the board of directors of the FPPA (board), with a single application, to cover some or all of the existing members of its money purchase plan in the defined benefit system. In addition, an employee that provides a money purchase plan is authorized to apply to the board to cover all new employees hired on or after a date certain and who are members of the FPPA to participate as a group in either the statewide hybrid plan or the statewide defined benefit plan through the defined benefit system.

The board is authorized to determine the terms, process, certifications, and schedules that will govern an employer's participation in the defined benefit system. The separate application process for entry into the statewide defined benefit plan is eliminated.

APPROVED by Governor March 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1056 Fire and police pension association - new hire pension plans - employer liability - statewide standard health history form. Several aspects of the statewide standard health history form (form) that members of the fire and police pension association (FPPA) are required to complete at the commencement of employment are clarified as follows:

- Newly hired members are required to fill out the form;
- The employer must require newly hired members to complete and file the form;
- The board of directors of the FPPA is authorized to adopt an electronic format for the completion and filing of the form;
- A member is ineligible for disability benefits with respect to an occupational or total disability that is the proximate consequence or result of a pre-existing and permanent medical condition; and
- The surviving spouse and dependent children of a member are ineligible for

survivor benefits if the member's death is the proximate consequence or result of a pre-existing and permanent medical condition.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1423 Local firefighter safety and disease prevention fund - fire equipment and training grants. \$250,000 from the general fund is transferred to the local firefighter safety and disease prevention fund to be used by the division of fire prevention and control within the department of public safety to provide grants for equipment and training to increase firefighter safety and prevent occupation-related diseases. The amount of an individual grant is limited to \$25,000.

APPROVED by Governor May 23, 2018

EFFECTIVE May 23, 2018

GOVERNMENT - MUNICIPAL

S.B. 18-107 <u>Municipal election code - vacancy in nomination</u>. The process by which a vacancy in nomination may be filled for an election conducted under the "Colorado Municipal Code of 1965" is repealed.

APPROVED by Governor April 9, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - SPECIAL DISTRICTS

S.B. 18-176 Southwestern water conservation district - board meeting dates. The board of the southwestern water conservation district (board) is required to meet once every 3 months instead of on specific dates throughout the year. The terms of board members begin and expire on the date of the first regular board meeting of the applicable calendar year.

APPROVED by Governor April 12, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1039 <u>Time for holding elections - odd-numbered years.</u> Commencing in 2023, regular special district elections are moved from the Tuesday following the first Monday of May in even-numbered years to the Tuesday following the first Monday of May in odd-numbered years. To implement the new date on which regular special district elections will be held, the special district directors elected at the special district elections held in 2020 and 2022 will serve 3-year terms.

The change to the election date also applies to the "Rail District Act of 1982", which uses the same election schedule as provided for special district directors.

APPROVED by Governor March 15, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1181 Elections - allowing nonresident electors who own property within a special district to vote in elections of the special district - allowing nonresident electors to serve on special district boards in a nonvoting capacity. The act expands the definition of "eligible elector", as used in reference to persons voting in special district elections, to include a natural person who owns, or whose spouse or civil union partner owns, taxable real or personal property in a special district or the area to be included in a special district and who has satisfied all other requirements in the act for registering to vote in an election of a special district but who is not a resident of the state.

A natural person is prohibited from voting in a special district election unless that person is an eligible elector. Any natural person desiring to vote at any election as an eligible elector must sign a self-affirmation form confirming that the person is an elector of the special district. The act specifies the form of the affirmation and requires that the form be notarized by the elector.

The act specifies procedures by which an eligible elector who resides in another state becomes registered to vote in special district election and requires an affirmation to be executed by the eligible elector upon completing his or her application for registration.

The act permits any special district organized under the laws of the state, upon passage

of a resolution by the board of the district (board) at a public hearing, to allow an elector whose eligibility has been established through the procedures specified in the act to vote for candidates for the board of directors of the special district. No person who is designated as an eligible elector may cast a ballot at any special district election without first being registered as required by the act. The act only applies to a special district whose board permits an eligible elector who is not a resident of the state to vote in elections of the special district.

A natural person who is designated as an eligible elector may only vote in an election of the special district with which the person has registered and for a candidate for the board of directors of the special district who is listed on the ballot of that special district. A person who is designated as an eligible elector is only permitted to vote for candidates for the board and may not vote for any other candidates, ballot issues, or ballot questions that may appear on the regular ballot of the special district.

The form used to register an eligible elector must contain a question asking the elector to confirm that he or she desires to receive a ballot from the special district. Unless the elector has executed the form to indicate that he or she desires to receive a ballot from the special district, the designated election official is not required to send a ballot to the elector. The special district is solely responsible for maintaining the list of nonresident owners of property within the special district who are eligible to vote in an election of the special district.

The act authorizes each special district board to select, in an exercise of its own discretion and by majority vote of the board's voting members, one or more additional board members, each of whom shall serve as a nonvoting member of the board. A member of the board appointed for this purpose must be a person who is a nonresident of the state of Colorado but is otherwise eligible to cast a ballot in elections of the special district in accordance with the act. A board with 3 members may appoint no more than one nonvoting member of the board. A board with 5 members may appoint no more than 2 nonvoting members of the board. The term of such nonvoting board members is 4 years, subject to renewal of one or more additional 4-year terms at the discretion of a majority of the voting members of the board. Any nonvoting board member may be removed for cause at any time by a majority of the voting members of the board.

VETOED by Governor June 1, 2018

GOVERNMENT - STATE

S.B. 18-3 <u>Colorado energy office - updates existing programs - repeals obsolete programs.</u> The act repeals the wind for schools grant program, the renewable energy and energy efficiency for schools loan program, the green building incentive pilot program, the "Colorado Clean Energy Finance Program Act", and certain programs for which the Colorado energy office (office) is responsible.

The act removes the office's:

- Involvement with the forest service and the air quality control commission to support the increased use of woody biomass in bio-heating;
- Involvement in grants with the Colorado energy research institute for the development of a central resource for building trade professionals;
- Authority to submit a proposal for credentialing photovoltaic installers;
- Responsibility to maintain a list of solar installers and instead requires the list to be maintained by the Colorado solar energy industries association, or a successor organization, and removes the requirement for the office to offer training on solar installations; and
- Requirement that the funds used in the innovative energy fund for grants or loans shall be limited to innovative energy efficiency projects and policy development.

The act also:

- Specifies nuclear and hydroelectric power as a cleaner energy source that the office should promote;
- Adds energy storage systems as items that the office should promote;
- Adds propane as a traditional energy source that the office should promote;
- Amends the office's requirement to develop and encourage increased utilization of energy curricula, and expands the collaborative groups to include the energy industry and executive departments;
- Renames the clean and renewable energy fund as the energy fund and adds the authority to spend the money in the fund for educating the general public on energy issues and opportunities;
- Removes an obsolete section of law pertaining to a computer system for tracking the movement of gasoline or special fuel in the state;
- Removes the office as the administrator of the Colorado carbon fund special license plate; and
- Makes conforming amendments.

APPROVED by Governor June 1, 2018

EFFECTIVE June 1, 2018

S.B. 18-5 <u>Rural economic assistance - department of local affairs - coordination of nonmonetary state resources.</u> The act authorizes the executive director of the department of local affairs (executive director) or the executive director's designee to coordinate the provision of nonmonetary state resources to assist with job retention or creation in a rural community experiencing a significant economic event, such as a plant closure or layoffs,

including industry-wide layoffs, that has a significant, quantifiable impact on jobs within that community.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-66 <u>State lottery division - extend scheduled termination of division</u>. The act extends the scheduled termination on July 1, 2024, of the state lottery division in the department of revenue to July 1, 2049.

APPROVED by Governor April 30, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-86 Office of information technology - information security - cyber coding cryptology - state records - institutions of higher education - appropriation. The chief information security officer in the governor's office of information technology (OIT), the director of OIT, the department of state, and the executive director of the department of regulatory agencies are required to take certain actions to protect state records containing trusted sensitive and confidential information from criminal, unauthorized, or inadvertent manipulation or theft.

The chief information security officer is required to:

- Identify, assess, and mitigate cyber threats to state government;
- Annually collect information from all public agencies to assess the nature of threats to data systems and the potential risks and civil liabilities from the theft or inadvertent release of such information; and
- In coordination and partnership with specified agencies, boards, and councils, annually assess the data systems of each public agency for the benefits and costs of adopting and applying distributed ledger technologies such as blockchains.

The chief information security officer is also encouraged to develop and maintain a series of metrics to identify, assess, and monitor each public agency data system for its platform descriptions, vulnerabilities, risks, liabilities, appropriate employee access control, and the benefits and costs of adopting encryption and distributed ledger technologies.

The director of OIT is required to consider the annual metrics from the office of the chief information security officer to recommend programs, contracts, and upgrades of data systems that have good cost-benefit potential or return on investment. In addition, OIT and the office of the chief information security officer are required to consider developing public-private partnerships and contracts to allow capitalization of encryption technologies while protecting intellectual property rights.

The department of state is required to consider research, development, and implementation for encryption and data integrity techniques, including distributed ledger technologies such as blockchains. The department of state is required to consider using distributed ledger technologies when accepting business licensing records and when distributing department of state data to other departments and agencies.

The executive director of the department of regulatory agencies or the director's designee is required to consider secure encryption methods, including distributed ledger technologies, to protect against falsification, create visibility to identify external hacking threats, and to improve internal data security.

In addition, institutions of higher education (institutions) may include distributed ledger technologies within their curricula and research and development activities.

The university of Colorado at Colorado Springs and any nonprofit organization with which the university has a partnership may consider:

- Encouraging coordination with the United States department of commerce and the national institute of standards and technologies to develop the capability to act as a Colorado in-state center of excellence on cybersecurity advice and national institute of standards and technologies standards;
- Studying efforts to protect privacy of personal identifying information maintained within distributed ledger programs, ensuring that programs make all attempts to follow best practices for privacy, and providing advice to all program stakeholders on the requirement to maintain privacy in accordance with required regulatory bodies and governing standards; and
- Encouraging the use of distributed ledger technologies, such as blockchains, within their proposed curricula for public sector education.

The department of higher education is required to allocate to the governing boards of the institutions participating in activities related to cybersecurity and distributed ledger technologies, money appropriated to the department of higher education for cybersecurity and distributed ledger technologies. The institutions are required to ensure that certain percentages of the money that they receive in connection with cybersecurity and distributed ledger technologies will be used to provide scholarships to students at the institution who are doing work in such fields. The department of higher education is also required to prepare an annual report to the general assembly containing specified information in connection with the use of the money appropriated for cybersecurity and distributed ledger technologies.

For the 2018-19 state fiscal year:

- \$250,000 is appropriated from the general fund to the office of the governor for use by the office of information technology for security governance to evaluate the potential use of distributed ledger technologies in state data systems; and
- \$5,100,000 is appropriated from the general fund to the department of higher education to implement the act. Specified amounts are allocated to Colorado Mesa university, Metropolitan state university of Denver, Western state Colorado university, the Colorado state university system, university of

Colorado state board for community colleges and occupational education state system, and to the community colleges.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

S.B. 18-103 Office of film, television, and media - performance-based incentives - strengthen program requirements. The act strengthens the requirements necessary to earn performance-based incentives for film production activities in the state by:

- Requiring a production company that originates production activities in Colorado to have engaged in production activities in the state for other projects in the 12 months prior to applying for the performance-based incentive for a new project, and if the production company creates a business entity for the sole purpose of conducting production activities in the state, requiring the manager of the business to be a resident of the state for 12 consecutive months as of the date of applying for a performance-based incentive as well as defining a manager as someone with decision-making authority to give permission or "go-ahead" to move forward with a project;
- Requiring a production company to provide documentation to prove that the production company meets the statutory definition of "originates";
- Requiring the production company's certified public accountant to provide in his or her written report documentation of the production company's expenditures, including the qualified local expenditures, and documentation that proves that the production company hired the necessary workforce to qualify for the performance-based incentive;
- Requiring the office of economic development (office) to conduct a review of the certified public accountant's written report to ensure the statutory requirements are met;
- Requiring the office to develop a list of certified public accountants that meet the statutory requirements and make the list available to all production companies as well as post it on the office's website; and
- Specifying that the office shall not issue a performance-based incentive to a production company until the production company and the office have entered into a contract in accordance with the procurement code.

The act also specifies that if a performance-based incentive is erroneously or improperly issued to a production company for any reason, the office is required to engage the services of the attorney general to recover from the production company any amount of the performance-based incentive that was erroneously or improperly issued.

The act also requires the Colorado economic development commission to annually schedule an orientation with the staff of the office in order to receive an official overview of the statutory requirements for a production company to earn a performance-based incentive for film production in Colorado.

APPROVED by Governor March 15, 2018

EFFECTIVE March 15, 2018

S.B. 18-110 <u>State funds - report to general assembly of federal money received by state agencies - statutory reporting requirements - repeal of obsolete provisions.</u> **Statutory Revision Committee.** The requirement that state agencies submit an annual report to the state controller of all federal moneys received by the state agency in the prior fiscal year for the state controller's use in preparing a report for the general assembly of all federal money received by state agencies during the prior fiscal year is repealed, as the state controller is no longer required to prepare such report for the general assembly.

APPROVED by Governor April 12, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-111 <u>Administration - work on a state holiday - alternate day off.</u> If executive branch employees who are in the state personnel system are required to work on a state legal holiday, the employees shall receive an alternate day off or be paid in accordance with the state personnel system or state fiscal rules currently in effect, rather than state fiscal rules in effect on April 30, 1979.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-121 <u>State personnel system - state employees - moving and relocation expenses.</u> For an employee in the state personnel system who is required by his or her appointing authority to change his or her place of residence due to a change in job duties, moving expenses, including the reasonable expenses of moving household goods and personal effects and the reasonable costs of traveling to a new residence, continue to be reimbursable in accordance with rules promulgated by the state controller and in compliance with the regulations of the federal internal revenue service. Relocation expenses that are provided in the form of a per diem allowance for a certain number of days also continue to be reimbursable in accordance with rules promulgated by the state controller and in compliance with the regulations of the federal internal revenue service.

The state controller is required to promulgate rules for the administration of moving and relocation deductions and reimbursements in compliance with the regulations of the federal internal revenue service.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-131 <u>State employees group benefits - contracts with carriers to provide benefits - compliance with state and federal law.</u> Several provisions of the "State Employees Group

Benefits Act" are modified as follows:

- To bring the "State Employees Group Benefits Act" into compliance with federal law, the definition of "dependent" is changed to include a child through the end of the month in which the child turns 26, the requirement that a child be a full-time student to be a dependent past the age of 19 is eliminated, the requirement that a child be unmarried to be a dependent is eliminated, and the requirement that the employee be the major source of financial support or directed by a court to provide coverage for a child to be a dependent is eliminated;
- An employee's domestic partner is removed from the definition of "dependent" as the director has repealed rules allowing a person to submit documentation demonstrating a domestic partnership with an employee;
- A reference to lifetime maximum benefit per employee or employee's covered dependents is removed to bring the "State Employees Group Benefits Act" into compliance with federal law;
- A provision requiring the director to give written notice of intent to seek a contract with insurance carriers is eliminated and the director is authorized to make such announcement in a manner that he or she determines;
- An obsolete provision that required the director to evaluate the feasibility of offering a high deductible health plan and to forward the findings of the evaluation to the general assembly by October 1, 2004, is eliminated;
- An obsolete provision that specified the amount of the state's contribution for each employee enrolled in group benefit plans for the 2003 calendar year is eliminated; and
- A requirement that the director hold a public hearing prior to the acceptance of any proposal for a group benefit plan is eliminated, as this requirement is not in compliance with the "Procurement Code".

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-148 <u>State employees group benefit act - continuation of dental or medical benefits</u> - <u>dependents of employee - work-related death.</u> The dependents of a state employee (employee) who dies in a work-related death are automatically qualified for the continuation of dental or medical benefits through the "State Employee Group Benefits Act" (act) for 12 months from the end of the month in which the work-related death occurred, so long as the dependents had dental or medical benefits pursuant to the act at the time of the employee's work-related death. The dental or medical benefits allowed to dependents will be the same coverage that the dependents were enrolled in at the time of the employee's work-related death.</u>

The state agency that employs an employee at the time of his or her work-related death is required to pay the cost of providing dental or medical benefits on behalf of the employee's dependents for the 12-month period.

The director of the department of personnel or the director's designee may promulgate rules necessary to implement the dental or medical benefit coverage continuation.

APPROVED by Governor March 7, 2018

EFFECTIVE March 7, 2018

S.B. 18-158 Department of public safety - division of homeland security and emergency management - school access for emergency response grant program creation - appropriation. The school access for emergency response grant program (grant program) is created in the division of homeland security and emergency management (division) in the department of public safety (department). Grant recipients may use the money received through the grant program to deliver training programs to teach effective communications with first responders in an emergency, to implement an interoperable technology solution to provide or upgrade a system for effective communications with first responders in an emergency, to maintain, improve, or provide interoperable communications hardware or software, and for any necessary radio system capacity expansions where school loading has been determined to have a significant impact on public safety system loading.

The division, in consultation with the grant selection committee created in the act, is required to implement the grant program and, subject to available appropriations, award grants to be paid from the grant program fund. The director of the division is required to promulgate rules necessary to implement the grant program. The grant selection committee is required to work with the director of the division to determine whether a grant applicant satisfies the criteria to receive a grant.

To be eligible to receive a grant, a school district, school, charter school of the district, institute charter school, or state charter school institute must have a memorandum of understanding with its regional public safety 911 answering point or the local law enforcement agency that serves the school for communications interoperability and must submit an application, including specified information, to the division. The grant selection committee is required to review the applications received and consider certain criteria in awarding the grants. Each grant recipient is required to submit a report to the division and the department is required to provide an annual update to the general assembly regarding the grant program.

The grant program cash fund is created in the state treasury, and the state treasurer is required to transfer \$5 million from the state public school fund to the fund for each of the next 6 state fiscal years. For the 2018-19 state fiscal year, \$5 million is appropriated from the fund to the department of public safety to implement the act.

APPROVED by Governor May 16, 2018

EFFECTIVE May 16, 2018

S.B. 18-182 <u>Racing - allocation of source market fee.</u> The director of the division of racing events is authorized to allocate a portion of the source market fee paid by out-of-state licensees to be paid to any horse purse trust fund established pursuant to existing law, if necessary, to maintain a sustainable and competitive purse structure in Colorado. The money credited to a horse purse trust account from the source market fee is to be paid out as purses for races held at live race meets in Colorado, as authorized by the director, or as otherwise

authorized by rules of the Colorado racing commission.

APPROVED by Governor April 12, 2018

S.B. 18-200 Public employees' retirement association - defined benefit plan modifications to eliminate unfunded liability - highest average salary - gross salary - state trooper definition - sensitivity analysis - confidential information - termination of affiliation - member and employer contributions - automatic adjustments - direct distribution - age and service requirements - cost of living adjustment - defined contribution plan expansion - defined contribution plan supplement - pension review commission. The hybrid defined benefit plan administered by the public employees' retirement association (PERA) is modified as follows with the goal of eliminating the unfunded actuarial accrued liability of each of PERA's divisions and thereby reaching a 100% funded ratio for each division within the next 30 years:

Highest Average Salary (HAS): For all new PERA members hired on or after January 1, 2020, who are not in the judicial division, and for all existing PERA members who do not have 5 years of service credit as of January 1, 2020, who are not in the judicial division, the HAS calculation is modified to be based on an average of the highest annual salaries associated with 5 periods of 12 consecutive months of service with a base year, rather than 3 periods of 12 consecutive months of services with a base year. For all new PERA members hired on or after January 1, 2020, who are in the judicial division, and for all existing PERA members in the judicial division who do not have 5 years of service credit as of January 1, 2020, the HAS calculation is modified to be based on an average of the highest annual salaries associated with 3 periods of 12 consecutive months of service service with a base year, as of January 1, 2020, the HAS calculation is modified to be based on an average of the highest annual salaries associated with 3 periods of 12 consecutive months of service with a base year, a base year, rather than 12 consecutive months of service.

Definition of salary: For all new PERA members hired on or afer July 1, 2019, amounts deducted from pay pursuant to a cafeteria plan or a qualified transportation plan are included in the definition of salary. For all PERA members, unused sick leave converted to cash payments is included in the definition of salary and insurance premiums paid by employers are not included in the definition of salary.

Definition of state trooper: The definition of state trooper is expanded to include a county sheriff, undersheriff, deputy sheriff, noncertified deputy sheriff, or detention officer hired by a local government division employer on or after January 1, 2020, and a corrections officer classified as I through IV hired by a state division employer on or after January 1, 2020.

Sensitivity analysis: The PERA board or its designated agent is required to perform an annual sensitivity analysis to determine when, from an actuarial perspective, model assumptions are meeting targets and achieving sustainability. The board or its designated agent is required to deliver an annual report detailing the findings of the analysis to the office of the governor, the joint budget committee, the legislative audit committee, and the finance committees of the senate and the house of representatives, or any successor committees.

Confidentiality of information: PERA may disclose information regarding certain investments that is otherwise required to be kept confidential, to the pension review

commission while the commission is meeting in executive session. If PERA cannot disclose the information without violating confidentiality provisions, then PERA is required to provide enough information to the commission, while the commission is meeting in executive session, to inform the legislators regarding whether such investments continue to be in the public interest.

Termination of affiliation: An employer in the local government division that ceases operations or ceases to participate in PERA for any reason is deemed to have terminated its affiliation with PERA. Any such employer is required to fully fund its share of the unfunded liability of the defined benefit plan and its share of the unfunded liability of the health care trust fund. The PERA board will determine the amount of such payments and such determinations may be appealed by the employer through the administrative review process established in the board rules. The employees of an employer that terminates its affiliation with PERA will become inactive members of PERA as of the date of the termination. Such members may elect to have their member contributions credited to an alternative pension plan or refunded. In the absence of such election, the member contributions will remain with PERA.

Increase in member contributions: On July 1, 2019, and on July 1, 2020, the monthly member contribution to PERA will increase by .75% of salary. On July 1, 2021, the monthly member contribution to PERA will increase by .5% of salary. When all increases are fully implemented, the total contribution will be 10% of salary each month for PERA members who are not state troopers and 12% each month for PERA members who are state troopers.

Increase in employer contributions: On July 1, 2019, the monthly employer contribution to PERA on behalf of members will increase by .25% of salary; except that the increase does not apply to employers in the local government division of PERA. The total increased contribution will be equal to 10.4% of salary each month for most PERA employers, 13.1% each month for PERA employers who employ state troopers, and 13.91% for PERA employers in the judicial division.

Automatic contribution, annual increase, and direct distribution amount changes: Under certain circumstances, the employer contribution rate, the member contribution rate, and the annual increase percentage for retirement benefits, and the amount of the direct distribution to PERA will be adjusted so the fund remains within the target of paying off the unfunded liability within 30 years. Within specified limits, the yearly adjustments can be up to one-quarter of one percent on the annual increase percentage, up to one-half of one percent on the employer and member contribution percentages, and up to \$25 million for the direct distribution.

Direct distribution: On July 1, 2018, and on July 1 each year thereafter until there are no unfunded actuarial accrued liabilities of any division of PERA that receives the direct distribution, the state treasurer is required to issue a warrant to PERA in an amount equal to \$225 million. Such amount will be paid to PERA from the general fund, or any other fund. The office of state planning and budgeting may include funding sources other than the general fund in the governor's annual budget request for the 2019-20 fiscal year and each fiscal year thereafter to satisfy the funding amounts of the direct distribution. The direct distribution will end when there are no unfunded actuarial accrued liabilities of any division of PERA that

receives such distribution. PERA is required to allocate the direct distribution to the trust funds of each division of PERA as it would an employer contribution, in a manner that is proportionate to the annual payroll of each division; except that PERA shall not allocate any portion of the direct distribution amount to the local government division.

Service retirement eligibility for new members: For new PERA members who are hired on or after January 1, 2020, the age and service requirements for full-service retirement benefits for most divisions is increased to age 64 with a minimum of 30 years of service credit. For state troopers who are hired on or after January 1, 2020, the age and service requirements for full-service retirement benefits is increased to age 55 with a minimum of 25 years of service credit or any age with a minimum of 35 years of service credit. For PERA members who begin employment on or after January 1, 2020, the age and service requirements for a reduced service retirement benefit to increased to 55 years with a minimum of 25 years of service credit; except that, for state troopers, the requirements are increased to 55 years with a minimum of 20 years of service credit.

Cost of living adjustment (COLA) for all retirees, members, and inactive members: For the years 2018 and 2019, the COLA is reduced from 2% to 0%. For each year thereafter, the COLA is 1.5%, unless it is adjusted pursuant to the automatic adjustment provisions explained above. In addition, benefit recipients whose effective date of retirement is on or after January 1, 2011, and who have not received a COLA on or before May 1, 2018, are required to receive benefits for at least a 36-month period following retirement before the benefit is adjusted with the COLA.

The following changes are made to the defined contribution plan:

Eligibility to participate in defined contribution plan: Beginning January 1, 2019, the defined contribution plan is expanded to included members in addition to members of the state division of PERA. Members of the local government division and members of the state division, including members in the state personnel system employed by a state college or university, hired on or after that date may choose to participate in the defined contribution plan. A new member's participant account will receive the same employer contribution as received by current members of the defined contribution plan.

Defined contribution supplement: Beginning January 1, 2021, employer contribution rates will be adjusted to include a defined contribution supplement. The defined contribution supplement for each division will be the employer contribution amount paid to defined contribution plan participant accounts that would have otherwise gone to the defined benefit trusts to pay down the unfunded liability, plus any defined benefit investment earnings thereon, expressed as a percentage of salary on which employer contributions have been made. The employer contribution amounts only include contributions made on behalf of eligible employees who commence employment on or after January 1, 2019.

In addition to the changes to the defined benefit and defined contributions plans administered by PERA, the police officers' and firefighters' pension reform commission is relocated and modified. The name of the commission is changed to the pension review commission, the number of legislators on the commission and the manner in which they are appointed is modified beginning in January 2019, and the commission has oversight over both the fire and police pension association and PERA. A subcommittee of the pension review commission consisting of legislative and non-legislative members is also created to study specified issues and to make recommendations to the commission.

APPROVED by Governor June 4, 2018

EFFECTIVE June 4, 2018

S.B. 18-202 Cash fund maximum reserve - Colorado firefighting air corps fund - exception. The act exempts the Colorado firefighting air corps fund from the maximum reserve, which limits the year-end uncommitted reserves in the cash fund to 16.5% of the amount expended from the cash fund during the fiscal year.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

S.B. 18-208 <u>Governor's office - department of personnel - governor's mansion maintenance</u> <u>fund - capital development committee review.</u> The act creates the governor's mansion maintenance fund (fund), which is comprised of the money generated from the mansion's operation, such as rental fees. Subject to annual appropriation by the general assembly, the governor's office may expend money from the fund for any operating costs for any governor's mansion activities and the department of personnel may expend money from the fund for controlled maintenance of the governor's mansion, except that any appropriation for controlled maintenance is subject to the capital development committee's review. The act also specifies that the department of personnel is still authorized to seek controlled maintenance funding for the mansion through the existing statutory request process if the money in the fund is insufficient to cover all controlled maintenance needs.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-209 Office of information technology - interdepartmental data protocol - government data advisory board. The composition of the government data advisory board (board) is modified to include a representative from each state agency and to remove members of the education data subcommittee from the board. The board is extended to July 1, 2024, from July 1, 2019. Prior to being repealed, the board is subject to review by the joint technology committee rather than pursuant to the sunset review process. The sunset review of the education data subcommittee is repealed to facilitate the repeal of the subcommittee on July 1, 2019. In addition, the definition of interdepartmental protocol is modified to reflect current practice.

APPROVED by Governor May 29, 2018

PORTIONS EFFECTIVE August 8, 2018 PORTIONS EFFECTIVE July 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-232 <u>Capital construction - art in public places program - clarification of amount that</u> <u>must be set aside for certain projects</u>. The act clarifies that for any capital construction project that is the subject of a lease-purchase agreement, the one percent of the total construction costs that is required to be used for the acquisition of works of art is calculated on the state-funded portion of the total construction costs and not on the total construction costs.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-242 Forms of oath or affirmation for public office - option to swear by the everliving God - uplifted hand. When a person is required to take an oath or affirmation for a public office or position, in addition to allowing the person to do so by swearing or affirming the oath, the act allows the person to opt to swear by the everliving God. The act requires the person swearing the oath of office to do so with an uplifted hand.

The act is contingent upon House Bill 19-1138 being enacted and becoming law.

APPROVED by Governor June 1, 2018

EFFECTIVE August 8, 2018

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) House Bill 18-1138 was signed by the governor April 2, 2018, and takes effect August 8, 2018.

S.B. 18-267 <u>Capital construction - justice center maintenance fund.</u> The act creates the justice center maintenance fund, which consists of money appropriated by the general assembly to the maintenance fund from the justice center cash fund to be used for controlled maintenance needs of the Ralph L. Carr Colorado judicial center. The judicial department must annually report current and projected expenditures from the maintenance fund to the joint budget committee and capital development committee of the general assembly.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-276 <u>General fund reserve - increase</u>. For the fiscal year 2018-19, and each fiscal year thereafter, the act increases the statutorily required general fund reserve from 6.5% to 7.25% of the amount appropriated for expenditure from the general fund. The act also repeals the following exceptions from the definition of expenditure that is used to calculate the general fund reserve:

• Rental and other payments under a lease-purchase agreement for real property included in a separate, operating line item; and

• Money that the state controller credits from the general fund to the capital construction fund or to the principal of the controlled maintenance trust fund.

APPROVED by Governor June 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-280 <u>General fund - transfer - tobacco litigation settlement cash fund.</u> The act requires the state treasurer to transfer \$19,965,068 from the general fund to the tobacco litigation settlement cash fund on July 1, 2018. This money is allocated for the 2018-19 fiscal year to the programs, services, and funds that receive tobacco litigation settlement money to supplement the allocation of settlement money that those programs, services, and funds will otherwise receive.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1017 Interstate compact - practice of psychology - telepsychology services - temporary in-person client services by out-of-state licensee from compact state - appropriations. The act adopts the "Psychology Interjurisdictional Compact Act", which allows psychologists licensed in any compact state to provide telepsychology services to clients in any other compact state. The compact also permits temporary in-person client services in any compact state not exceeding 30 days in a calendar year.

The act authorizes the state board of psychologist examiners to promulgate rules and to facilitate Colorado's participation in the compact, including notifying the compact commission of any adverse action taken by the board against a Colorado licensed psychologist.

\$151,332 from the division of professions and occupations cash fund is appropriated to the department of regulatory agencies for the division of professions and occupations to implement the act. Of the money appropriated to the department of regulatory agencies, \$15,984 is reappropriated to the department of law for legal services provided to the department of regulatory agencies and \$80,000 is reappropriated to the office of the governor for use by the office of information technology to provide information technology services.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1065 <u>Behavioral health - department of human services - personnel in facilities</u> <u>providing care to vulnerable people - disciplinary action.</u> For employees who are employed by the department of human services at a facility that provides direct care to vulnerable people, in considering a disciplinary action against such an employee for engaging in mistreatment, abuse, neglect, or exploitation, against a vulnerable person, the appointing

authority is required give weight to the safety of vulnerable persons over the interests of any other person. If the appointing authority finds that the employee has engaged in mistreatment, abuse, neglect, or exploitation against a vulnerable person, the appointing authority may take such disciplinary action as the appointing authority deems appropriate, up to and including termination, taking into consideration the harm or risk of harm to vulnerable persons created by the employee's actions.

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1087 Department of public safety - defunct boards - repeal rules. The victims compensation and assistance coordinating committee and the victims assistance and law enforcement advisory board in the department of public safety were repealed in 2009. The executive director of the department is authorized to repeal rules relating to those defunct boards.

APPROVED by Governor March 15, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1100 Educator licensure cash fund - continuous appropriation - reporting requirement. The act grants the department of education 3 more years of continuous appropriation authority over the money in the educator licensure cash fund, for the state board of education and the department to use for their expenses incurred in the administration of the "Colorado Educator Licensing Act of 1991". It extends a related reporting requirement for the same period.

APPROVED by Governor March 15, 2018

EFFECTIVE March 15, 2018

H.B. 18-1135 Office of economic development - extension of advanced industries export <u>acceleration program - appropriation</u>. The act extends the advanced industries export acceleration program that is currently managed by the office of economic development fro an additional 6 years.

\$175,000 is appropriated from the general fund to the advanced industries export acceleration cash fund.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1138 Public official oath or affirmation of office - repeal of obsolete provisions uniform oath or affirmation text - uniform process for completing and filing oaths and affirmations. Statutory Revision Committee. The act establishes a single uniform text for taking an oath of office or making an affirmation and the requirements regarding how and when an oath or affirmation of office must be taken, subscribed, administered, and filed. All requirements must be completed prior to the official or employee entering upon the office. In the case of elected special district directors, the oath or affirmation must also be filed within 30 days after the election with the clerk of the court and the division of local government under the department of local affairs.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1140 <u>Public official personal surety bonds - repeal of obsolete provisions - authorize</u> <u>purchase of insurance in lieu of a personal bond.</u> **Statutory Revision Committee.** The act removes the obligation of some state and local public officials to provide a personal surety bond and authorizes all public entities to purchase insurance in lieu of a public official personal surety bond required by statute.

APPROVED by Governor March 15, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1172 Increasing Access to Effective Substance Use Disorder Services Act - designated managed service organization - spending authority - reporting requirements. The act amends the "Increasing Access to Effective Substance Use Disorder Services Act" to:

- Clarify that a designated managed service organization (designated MSO) may use money allocated to it from the marijuana tax cash fund for expenditures for substance use disorder services and for any start-up costs or other expenses necessary to increase capacity to provide such services;
- Permit a designated MSO to spend an unused allocation in the next state fiscal year after it has been received, but requires any unspent amount after that time to be returned to the department of human services (department);
- Allow the appropriation of the money unspent by a designated MSO in the year it is received to roll forward to the next state fiscal year;
- Require a designated MSO to submit an annual expenditure report to legislative committees in addition to the department, which is currently the only entity that receives this report;
- Eliminate an annual mid-year expenditure report that a designated MSO is required to submit to the department and replaces it with a requirement that the designated MSO provide the department with information about expenditures as required by the department;
- Eliminate the requirement that a departmental report about expenditures to

legislative committees must continue after the first report is made; and

• Require the department to report on outcomes related to the implementation of the act as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

APPROVED by Governor April 9, 2018

EFFECTIVE April 9, 2018

H.B. 18-1173 <u>General fund - transfer to the information technology capital account of the capital construction fund.</u> For the 2017-18 fiscal year, the act transfers \$2,888,529 from the general fund to the information technology capital account of the capital construction fund.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1186 <u>Colorado youth advisory council - continuation under the sunset law.</u> The act implements the recommendation of the department of regulatory agencies to continue the Colorado youth advisory council and extends the sunset date to September 1, 2023.

APPROVED by Governor April 30, 2018

EFFECTIVE June 30, 2018

H.B. 18-1198 <u>State boards and commissions - establishing best practices.</u> Commencing January 1, 2019, the act requires each statutorily created board or commission in state government, not including a special purpose authority, to implement written policies or bylaws and obtain annual training on specified issues in order to ensure that best practices are utilized and requires each state agency responsible for a statutorily created board or commission to ensure that the state board or commission obtains the annual training and implements the written policies.

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1238 <u>Sunset - wildland-urban interface training advisory board.</u> The act implements the recommendation of the department of regulatory agencies to sunset the wildland-urban interface training advisory board, effective July 1, 2018.

APPROVED by Governor April 9, 2018

EFFECTIVE July 1, 2018

H.B. 18-1249 Federal mineral lease revenue - anvil points - direct distribution to counties. If the state receives any federal mineral lease revenue from oil and gas production on naval oil shale reserve land that was set aside prior to January 1, 2009, and withheld by the federal government, then instead of depositing the money in the mineral leasing fund the state treasurer is required to distribute the money to the following counties or a related federal mineral lease district, if applicable:

- 40% to Garfield county;
- 40% to Rio Blanco county;
- 10% to Mesa county; and
- 10% to Moffat county.

The "Federal Mineral Lease District Act" is amended to permit these distributions to be made to a federal mineral lease district, if one exists, on behalf of a county.

APPROVED by Governor March 22, 2018

EFFECTIVE March 22, 2018

H.B. 18-1250 <u>State agencies - analysis of noncompliance with its rules.</u> The act requires each state agency to conduct an analysis of noncompliance with its rules to identify rules with the greatest frequency of noncompliance, rules that generate the greatest amount of fines, how many first-time offenders were given the opportunity to cure a minor violation, and what factors contribute to noncompliance by regulated businesses. The analysis will guide each department on how to improve its education and outreach to regulated businesses on compliance with the department's rules. Each state agency is required to forward that analysis to the department of regulatory agencies, which shall compile and summarize those analyses into one combined analysis of noncompliance to be presented at the department of regulatory agencies' "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

APPROVED by Governor May 3, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1256 <u>Colorado civil rights division and commission - continuation under sunset law</u> - performance audit - commission membership - senate rejection of appointment - appropriation. The act continues the Colorado civil rights division and the Colorado civil rights commission and their respective functions for 9 years, through September 1, 2027. Additionally, the state auditor is required to complete or cause to be conducted a performance audit of the division and commission by December 15, 2019, and by December 15, 2024, and to present the audit reports and recommendations to the legislative audit committee.</u>

The commission membership is modified to include 3 business representatives, 3 members representing Colorado workers, and one at-large member. The commission membership transition occurs as follows upon the expiration of the terms of members whose positions are being replaced or upon a vacancy in the applicable position:

- Of the 2 current commission members representing the business community, one member must be a majority owner of a small business with between 5 and 50 employees and one member must be a majority owner of a business with more than 50 employees;
- The 2 current commissioner members representing state or local government entities are replaced with one member representing a statewide chamber of commerce or other statewide business and industry organization and one

member from or representing employee associations that represent Colorado workers;

• Two of the 3 current at-large commission members are replaced by 2 members from or representing employee associations that represent Colorado workers.

At all times, the commission must include no more than 6 members affiliated with a major political party and no more than 3 members from the same political party. Members are appointed to the commission by the governor, subject to consent of the senate. If the senate rejects a member appointed by the governor, that individual is ineligible to hold the office for 2 years.

\$10,000 is appropriated from the general fund to the department of regulatory agencies for the 2018-19 fiscal year, which amount is reappropriated to the governor's office of information technology to provide information technology services to the department.

APPROVED by Governor May 22, 2018

EFFECTIVE July 1, 2018

H.B. 18-1314 <u>Unmanned aircraft systems - obstruction of public safety operations prohibited.</u> The act states that, as used in the existing criminal offense of obstructing a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer, the term "obstacle" includes an unmanned aircraft system. The act also states that the offense does not apply to an unmanned aircraft system operator who complies with certain operational requirements.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1323 Pay for success contract pilot programs - funding - appropriation. The act requires the state treasurer to transfer specified amounts from the general fund and the marijuana tax cash fund to a newly created office of state planning and budgeting youth pay for success initiatives account within the pay for success contracts fund for state fiscal years 2018-19 through 2021-22. Subject to annual appropriation, the office of state planning and budgeting may expend the money transferred to the account for its use only to fund 3 specified pay for success contracts for pilot programs designed to reduce juvenile involvement in the justice system, reduce out-of-home placements of juveniles, and improve on-time high school graduation rates, but the department of human services may expend any money appropriated to it from the account for expenses related to the administration of any pay for success contract.

For the 2018-19 state fiscal year, \$718,412 is appropriated from the account to the office of the governor for use by the office of state planning and budgeting, with \$52,511 of that amount being reappropriated to the department of human services for use by the division of youth services for personal services and operating expenses related to the administration
of any pay for success contract.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

H.B. 18-1324 <u>Governor's commission on community service - created - appropriation.</u> The act establishes the governor's commission on community service, originally created through executive order, in state law. The commission operates under the "National and Community Service Trust Act of 1993" and allows the state to receive grants, allotments, and service positions under the act. The commission consists of at least 15, but not more than 20, members and is charged with implementing programs and administering funds received from the corporation for national and community service. The commission is established in the office of the lieutenant governor and receives staff and administrative support from that office. The commission can seek, accept, and expend gifts, grants, or donations to fulfill its functions.</u>

\$200,000 is appropriated to the office of the governor for the commission.

APPROVED by Governor April 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1325 Office of information technology - telecommunications coordination within state government - digital trunked radio system supporting infrastructure, software, and hardware - radio tower sites - appropriation. The office of information technology (office) is authorized to use any unencumbered and unexpended money appropriated to the public safety communications trust fund (trust fund) for purposes of the digital trunked radio system (DTRS) on DTRS sites supporting infrastructure and DTRS supporting software and hardware.

In addition, in both the 2018-19 and 2019-20 fiscal years, the general assembly is required to appropriate \$2 million from the general fund to the trust fund. The office is required to use the money to work in partnership with local and regional government entities to add additional radio tower sites in areas of the state that are experiencing critical coverage gaps for public safety radio communications. The office is required to submit a report to the joint budget committee detailing the use of the additional \$2 million.

For the 2018-19 fiscal year, \$2 million from the general fund is appropriated to the trust fund to be used by the office to add tower sites in areas of the state that are experiencing critical coverage gaps for public safety radio communications.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

H.B. 18-1336 <u>Local government retail marijuana impact grant program - repeal.</u> On July 1, 2019, the act repeals the local government retail marijuana impact grant program, under which the department of local affairs awards grants to eligible local governments for documented

marijuana impacts. Any encumbered money from the fiscal year 2017-18 appropriation to the department remains available for expenditure in the next fiscal year. The act also repeals a reporting requirement regarding the effectiveness of the grant program.

APPROVED by Governor April 30, 2018

EFFECTIVE July 1, 2018

H.B. 18-1338 Severance tax operational fund - transfers. Under current law, money is transferred from the severance tax operational fund (operational fund) to certain cash funds to benefit programs that are commonly referred to as the tier 2 programs. On June 30, 2018, the act requires the state treasurer to transfer money to the operational fund from various recipient cash funds to recoup money that was previously transferred for tier 2 programs. To replace funding from the operational fund for next year, the act requires the state treasurer to transfer general fund money to specified tier 2 programs on July 1, 2018, one of which is the species conservation trust fund. The act further appropriates money from the trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that state or federal law list as threatened or endangered or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

If, prior to July 1, 2018, there is insufficient money in the severance tax reserve to make severance tax refunds, then the act requires income tax revenue that would otherwise be deposited in the general fund to be deposited in the reserve to make the refund.

The act further requires the state treasurer to make transfers from the general fund to the operational fund on July 1, 2018, January 1, 2019, and July 1, 2019, to pay for department of natural resources programs and a reserve. To offset the general fund transfers, the bill requires revenue that was or otherwise would be deposited in the operational fund from February 1, 2018, through June 30, 2019, to instead be transferred or deposited in the general fund.

APPROVED by Governor May 4, 2018

EFFECTIVE May 4, 2018

H.B. 18-1339 Federal tax information - fingerprint-based criminal history record checks required for individuals with access to information - appropriation. Fingerprint-based criminal history record checks (record checks) are required for every applicant, contractor, employee, or other individual who has or may have access to federal tax information received from the federal government by a state agency in accordance with federal requirements. The state agency may collect the fingerprints of the individuals or may use the fingerprinting services of another agency or entity authorized by law to collect. The state agency pays the costs of the record checks to the Colorado bureau of investigation.

A state agency that receives federal tax information from the federal government and shares that information with a county department or another state agency may authorize and require the county department or other state agency to conduct record checks for all of its applicants, employees, contractors, or other individuals who may have access to the shared information. The county or other state agency pays the costs of the record checks to the Colorado bureau of investigation.

A state agency that receives federal tax information from the federal government is prohibited from sharing that information with another agency that refuses or fails to comply with the requirement to conduct record checks.

The act appropriates funds to affected state agencies to implement its requirements.

APPROVED by Governor April 30, 2018

EFFECTIVE July 1, 2018

H.B. 18-1340 <u>Capital construction - transfers to capital construction fund - transfer to controlled maintenance trust fund.</u> For the 2018-19 fiscal year, the act transfers:

- \$73,974,850 from the general fund to the capital construction fund;
- \$15,206,760 from the general fund to the information technology capital account of the capital construction fund;
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund;
- \$30 million from the general fund to the controlled maintenance trust fund; and
- \$150,000 from the preservation grant program account of the state historical fund to the capital construction fund for historical property rehabilitation in the capitol complex.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1351 <u>Historic trails - old Spanish national historic trail - marking - contributions.</u> The act recognizes the significance of the old Spanish national historic trail as a historic resource in Colorado. Subject to the availability of funding from gifts, grants, or donations, the executive director of the department of transportation is required to erect signs marking portions of the trail that travel along or cross highways in Colorado. The department is required to consult with culturally affiliated American Indian tribes before posting any signs and may post signs that include the original indigenous name of the trail in accordance with those consultations. It is a misdemeanor to deface or destroy monuments or markers on any historic trail.</u>

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1360 <u>State historical society - board of directors.</u> The state historical society is currently governed by a board of directors with 9 members appointed by the governor. The act expands the number of directors to 13. The governor is prohibited from appointing more than 7 members who are affiliated with one political party or unaffiliated persons.

APPROVED by Governor May 21, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 18-1371 <u>Capital construction - period that capital construction appropriations remain</u> <u>available - budget request deadlines.</u> The act:

- Codifies the 3-year period that capital construction appropriations other than appropriations for lease-purchase payments remain available; and
- Clarifies the deadlines for the submission of capital construction budget requests, budget request amendments, and budget request amendments that are related to a request for a supplemental appropriation.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1372 <u>Capital construction - automatic funding mechanism for payment of future</u> <u>costs - exemption of cash fund.</u> The act exempts the department of human services' regional center depreciation account in the capital construction fund from the definition of "cash fund" for purposes of the requirements under the automatic cash fund funding mechanism for payment of future costs attributable to certain of the state's capital assets.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1373 <u>State telecommunications network - private entities authorized to use network</u> through public-private partnerships accepted by the chief information officer - required distribution of any lease revenues. The act authorizes private entities to use the state telecommunications network through public-private partnerships considered, evaluated, and accepted by the chief information officer and relocates laws related to the state telecommunications network from the department of public safety's statutes to the statutes regarding telecommunications coordination within state government. The act also specifies that any lease revenues from public-private partnerships must be credited 75% to the public safety communications network and 25% to the public school capital construction assistance fund for technology grants.</u>

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1374 <u>Capital construction - controlled maintenance funding for buildings acquired</u> <u>through a lease-purchase agreement.</u> The act specifies that any real property acquired by a

state agency or a state institution of higher education through a lease-purchase agreement is not eligible for state controlled maintenance funding. The act specifies that any act enacted by the general assembly on or after the effective date of the legislation authorizing a lease-purchase agreement for the acquisition of real property must include a requirement that the state agency or state institution of higher education entering into the lease-purchase agreement present a plan to the capital development committee, by a specified date, that details how the state agency or state institution of higher education is prepared to fund the controlled maintenance needs of the real property so that at least a specified amount is available for the controlled maintenance needs of the real property. The plan may include an additional lease-purchase agreement for such controlled maintenance needs or may include a request for partial or complete state funding of such controlled maintenance needs.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1394 Emergency management - recovery and mitigation - disaster policy group - <u>authorization to establish - resiliency office - creation - duties.</u> The act updates the Colorado disaster emergency act to include provisions related specifically to recovery, mitigation, and resiliency and to establish the roles and responsibilities of state and local agencies at all stages of emergency management. The governor is authorized to convene a disaster policy group to coordinate the response and recovery from disaster emergencies. If the governor convenes the policy group, the governor is required to appoint a chair and to delegate to the chair the authority to manage cross-departmental and interjurisdictional coordination of recovery efforts.

Existing provisions establishing the governor's expert emergency epidemic response committee are repealed and relocated. The executive director of the department of local affairs or his or her designee is added to the committee.

Subject to available grant funding, the Colorado resiliency office is created in the division of local government within the department of local affairs. Subject to the availability of grant funding or within existing resources, the office will develop a resiliency and community recovery program for the state. The office is required to consult with other state agencies and stakeholders in developing the program.

The act amends existing statutes concerning disaster planning and response at the state and local level to include references to recovery, mitigation, and preparedness. The state disaster plan must also include a comprehensive emergency management program that addresses preparation, prevention, mitigation, response, and recovery from emergencies and disasters.

Local and interjurisdictional disaster agencies are renamed as emergency management agencies. The emergency management agencies are required to develop a local or interjurisdictional plan that includes provisions for preparation, prevention, mitigation, response, and recovery from emergencies and disasters. Agencies may incorporate by reference existing locally adopted plans, plans approved by the office of emergency management or the federal emergency management agency, and other relevant plans.

The governor must consider steps that could be taken on a continuing basis for mitigation and recovery from disaster, in addition to steps to prevent and reduce the harmful consequences of disasters.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1402 State treasurer - investment of state money in investment grade securities issued by sovereign, national, and supranational entities authorized. The act authorizes the state treasurer to invest state money in securities issued by a sovereign, national, or supranational entity that are rated at least investment grade by a nationally recognized rating organization.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1413 <u>School safety - incident response - grant program - created - appropriation.</u> The act creates the enhance school safety incident response grant program in the division of homeland security and emergency management in the department of public safety (grant program) to provide funding for research, program development, and training to improve school safety incident response. The funding can be used by recipients to provide training, develop best practices and protocols, conduct research and development, and upgrade technology and infrastructure used for training related to school safety incident response.</u>

Applications for the grants must be made by October 1 and grants must be awarded by December 1 for each year of the grant program. Applicants must be nonprofit, tax-exempt organizations and must have experience providing school safety incident response training and working with law enforcement, first responders, school districts, and school personnel on issues related to school safety incident response. The grant program is repealed, effective June 30, 2021.

\$500,000 is appropriated from the school safety resource center cash fund for the grant program.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

H.B. 18-1418 <u>Criminal conviction - effect on public employment - conditional licenses sunset</u> reviews. Under current law, a criminal conviction alone does not disqualify a person from public employment except for specified positions and employers. The act adds the department of revenue as an employer that can disqualify a person with a criminal conviction.

Current law directs a state or local agency, when deciding whether to issue a license or permit, to consider an individual's criminal record in determining whether the individual is of good moral character. The act changes the determination to consider whether the individual is qualified and adds to the factors that an agency considers whether the applicant will be directly responsible for the care of individuals susceptible to abuse or mistreatment.

The act also prohibits a state or local agency from taking adverse action concerning a license or permit or not extending an offer of employment if an individual has been arrested but not charged, or has been convicted but pardoned, had the conviction record sealed, or had a collateral order entered concerning the conviction.

The act also authorizes the department of regulatory agencies (department) to issue a conditional license to a person who has a criminal conviction and requires the department to delete and keep confidential the conditional designation if the person has no subsequent conviction when applying for renewal or within 2 years unless the department determines that the conditional designation remains necessary.

For sunset review hearings conducted on and after November 1, 2018, after review by the department, the act requires the collection of data concerning licensing and registration action taken due to specified criminal justice actions.

APPROVED by Governor May 30, 2018 PORTIONS EFFECTIVE May 30, 2018 PORTIONS EFFECTIVE November 1, 2018

H.B. 18-1421 <u>Procurement - major information technology projects - authority to sign</u> <u>contracts - project plans - vendor selection - human resources information system procurement</u> <u>process evaluation.</u> The internal process in connection with procurement for major information technology (IT) projects is changed as follows:

- A state contract for a major IT project is required to contain a clause providing that the contract shall not be deemed valid until it has been approved by the chief information officer or the chief information officer's designee, rather than by the state controller;
- The department of education is exempt from the definition of major IT project through June 30, 2019;
- Project plans for major IT projects are required to include a planning and analysis function to be performed by the office of information technology (office) to ensure that the state agency's desired major IT project solution is in accordance with the office's technology standards and to ensure that the scope and budget of the major IT project are vetted by the office; and
- On or before December 1, 2018, the office is required to establish policies and procedures regarding a vendor selection standard to be used in selecting a vendor for any major IT project. The vendor selection standard is required to include a process for resolving differences of opinion between the office and the state agency in the vendor selection for any major IT project.

In addition, the scope of the current contract between the state auditor's office and an independent consulting firm to evaluate state IT resources is expanded. The expansion is to

include a review and evaluation of the procurement process for the human resources information system, also known as HRWorks, and to provide objective findings and recommendations that could help the procurement process for major IT projects in the future. The consulting firm is required to submit a report, containing specified findings and recommendations, to the legislative audit committee, the joint budget committee, the joint technology committee, and the office of information technology. After receiving the report, such committees, the office, and any other office or department that was the subject of recommendations made in the report are required to meet to discuss the implementation of the recommendations made in the report.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1429 <u>Workers' compensation cash fund - maximum reserve exception.</u> The act exempts the workers' compensation cash fund from the maximum reserve, which limits the year-end uncommitted reserves in a cash fund to 16.5% of the amount expended from the cash fund during the fiscal year.

APPROVED by Governor June 6, 2018

EFFECTIVE June 6, 2018

H.B. 18-1430 <u>State agencies - long-range financial plan.</u> The act requires each state agency to develop a long-range financial plan on or before November 1, 2019, and to update the plan each of the next 4 years thereafter. The department of state, the department of treasury, the department of law, and the judicial branch are required to publish the necessary components of the plan for their respective state agencies, and the office of state planning and budgeting is required to publish the components of the plan in its annual budget instructions for all other state agencies. A state agency is required to submit its long-range financial plan to the joint budget committee along with its annual budget request and post the plan on its official website.</u>

APPROVED by Governor June 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1434 <u>Safe2tell - school training - educational materials related to misuse - technical assistance related to misuse - analyze reports - annual report - appropriation.</u> The act requires the safe2tell program (program) to do the following:

- Provide training and support to all preschool, elementary, and secondary schools and school districts in Colorado regarding school safety related to the safe2tell program, including answering questions and discussing reports received by the program;
- Provide educational materials to all preschool, elementary, and secondary schools in Colorado aimed at preventing misuse of the program;
- Provide technical assistance and support to law enforcement officials and school officials when there is misuse of the program; and

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• Analyze and follow up with law enforcement and schools to determine the outcome of a report made to the program, including actions taken on the report.

Beginning in 2018, the act requires the safe2tell program to prepare a written report analyzing data from the previous year on or before each December 1. The report must include data from the preceding fiscal year concerning the following and any recommendations concerning the following:

- A summary of outcomes and actions taken on reports made to the program;
- The number of safe2tell reports by category, broken down by month;
- The total number of incidents of misuse of the program, broken down into categories;
- The number of reports received involving a single incident;
- The number of times safe2tell was used by a reporting party to make a threat against or otherwise harm another person;
- The number of times a reporting party was in crisis and was reporting to the program to obtain assistance and the time it took to identify the reporting party and respond;
- The effectiveness of the safe2tell dispatch center in the department of public safety; and
- Recommendations regarding how to improve the program based on the available data.

The act appropriates \$164,920 from the marijuana tax cash fund and provides 1.6 FTE to the department of law to implement the act.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

HEALTH AND ENVIRONMENT

S.B. 18-24 Behavioral health care providers - expansion of access in shortage areas - eligibility for health service corps - loan repayment - scholarships - appropriation. The act modifies the Colorado health service corps program administered by the primary care office in the department of public health and environment (department) as follows:

- For purposes of determining areas in the state in which there is a shortage of health care professionals and behavioral health care providers to meet the needs of the community, allows the primary care office, under guidance adopted by the state board of health, to develop and administer state health professional shortage areas using state-specific methodologies;
- Allows specified behavioral health care providers to participate in the loan repayment program on the condition of committing to provide behavioral health care services in health professional shortage areas for a specified period;
- Directs the advisory council to prioritize loan repayment and scholarships for those behavioral health care providers, candidates for licensure, or addiction counselors who provide behavioral health care services in nonprofit or public employer settings but permits consideration of applicants practicing in a private setting that serve underserved populations;
- Establishes a scholarship program to help defray the education and training costs associated with obtaining certification as an addiction counselor or with progressing to a higher level of certification;
- Adds 2 members to the advisory council that reviews program applications, which members include a representative of an organization representing substance use disorder treatment providers and a licensed or certified addiction counselor who has experience in rural health, safety net clinics, or health equity;
- Modifies program reporting requirements and requires annual reporting that coincides with required SMART act reporting by the department; and
- Requires the general assembly to annually appropriate \$2.5 million from the marijuana tax cash fund to the primary care office to provide loan repayment for behavioral health care providers and candidates for licensure participating in the Colorado health service corps and to award scholarships to addiction counselors participating in the scholarship program.

\$2.5 million is appropriated from the marijuana tax cash fund to the department for use by the primary care office in the prevention services division to implement the act.

APPROVED by Governor May 21, 2018

EFFECTIVE July 1, 2018

S.B. 18-33 <u>Animal feeding operation permit - fees - repeal - appropriation</u>. The act replaces the July 1, 2018, repeal date for the department of public health and environment's animal feeding operation permit program with a repeal date of July 1, 2025. The act also extends the fees associated with the program at their current levels.

The 2018 long bill appropriation to the department of public health and environment

is increased by \$14,323 from the animal feeding operations fund for use by the division of environmental health and sustainability for the animal feeding operations program.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

S.B. 18-38 Water quality - reclaimed domestic wastewater - allowable uses - industrial hemp cultivation - rules - appropriation. The act codifies rules promulgated by the water quality control commission (commission) of the Colorado department of public health and environment (department) concerning allowable uses of reclaimed domestic wastewater, which is wastewater that has been treated for subsequent reuses other than drinking water.

Section 3 of the act defines 3 categories of water quality standards for reclaimed domestic wastewater, sets forth the allowable uses for each water quality standard category, and adds industrial hemp cultivation as an allowable use for reclaimed domestic wastewater when the industrial hemp is not used as a food crop. Section 3 also authorizes the commission, by rule, to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. The commission may develop more stringent standards by rule if it determines that the existing standards and categories are not protective of public health and identifies a specific health risk posed by the use of reclaimed domestic wastewater under the existing standards. Section 3 also authorizes the division of administration in the department to grant variances for uses of reclaimed domestic wastewater. Finally, section 3 authorizes the water quality control division, after conducting a public stakeholders' process, to develop policy, guidance, or best management practices for use of reclaimed domestic wastewater.

Section 5 appropriates \$40,602 for the 2018-19 fiscal year from the general fund to the department for use by the water quality control division to implement this act.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-54 <u>Assisted living residences - fee increase cap.</u> The act limits increases in fees established by the state board of health and imposed by the department of public health and environment on assisted living residences on or after August 1, 2019, to not more than the inflation rate.

APPROVED by Governor March 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-146 <u>Freestanding emergency departments - required notices and disclosures - state</u> <u>board of health rules - appropriation</u>. The act requires a freestanding emergency department (FSED), whether operated by a hospital at a separate, off-campus location or operating

independently of a hospital system, to provide any individual who enters the FSED seeking treatment a written statement of patient information, which an FSED staff member or health care provider must explain orally and which must indicate that:

- The facility is an emergency medical facility that treats emergency medical conditions;
- For FSEDs that do not include an urgent care clinic on site, the facility is not an urgent care center or primary care provider;
- For FSEDs that include an urgent care clinic on site, the facility contains an urgent care center and operates at specified hours;
- The FSED will screen and treat the individual regardless of ability to pay;
- The individual has a right to ask questions about treatment options and costs and to receive prompt and reasonable responses;
- The individual has a right to reject treatment;
- The FSED encourages the individual to defer questions until after being screened for an emergency medical condition; and
- The facility will provide the patient a more comprehensive statement of patient's rights after initial screening or treatment, as applicable.

Additionally, an FSED must post a sign that states, "This is an emergency medical facility that treats emergency medical conditions." The sign must also indicate whether the facility contains an urgent care clinic.

After conducting an appropriate medical screening and determining that a patient does not have an emergency medical condition or after treatment has been provided to stabilize an emergency medical condition, the FSED must provide the patient a written disclosure, which must include information regarding acceptance of patients enrolled in public health plans, participation in health insurer provider networks, the possibility of being separately billed by physicians providing services at the FSED, the maximum price for common health care services the FSED provides, and facility fees the FSED charges.

The FSED must also post the information in the written disclosure on its website and update the written and web-based disclosure at least once every 6 months. Additionally, the FSED must provide all information in a clear and understandable manner and in languages appropriate to the communities and patients it serves.

The state board of health is authorized to adopt rules to implement and enforce the requirements of the act.

\$34,725 is appropriated from the health facilities general licensure cash fund to the health facilities and emergency medical services division in the department of public health and environment for administration and operations.

APPROVED by Governor April 25, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-149 Denver health and hospital authority - board of directors - public records. Rather than all records of the Denver health and hospital authority (authority) being subject to the open records law, only certain reports, statements, agreements, bonds, guidelines, manuals, handbooks, and accounts of the authority are public records; except that the content of an electronic medical record system and individual medical records or medical information are not public records, and certain writings and other records concerning the modification, initiation, or cessation of patient care and authority health care programs or initiatives are not public records under certain circumstances.

APPROVED by Governor April 23, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-245 <u>State board of health - disposal of naturally occurring radioactive materials - rulemaking required - stakeholder process - reporting.</u> The act repeals a prohibition against the state board of health's adoption of rules concerning the disposal of naturally occurring radioactive materials (NORM) unless the federal environmental protection agency (EPA) first adopts such rules. The act requires the state board to adopt such rules by December 31, 2020, even though the EPA has not yet adopted any such rules. The state board's rules must also regulate technologically enhanced NORM (TENORM).</u>

Before the rules are adopted, the department of public health and environment is required to:

- Convene a stakeholder group to discuss the development of rules; and
- Provide a report and a detailed summary of the stakeholder process to the general assembly by December 31, 2019.

Until the rules become effective, the handling, transportation, beneficial use, and disposal of TENORM is governed by guidance, including specified letters, issued by the department.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1003 Opioid and other substance use disorders study committee - creation -Colorado consortium for prescription drug abuse prevention recommendations - school-based health care centers grant program - department of health care policy and financing grant awards - center for research into substance use disorder prevention, treatment, and recovery continuing education activities - appropriations. The act establishes in statute the opioid and other substance use disorders study committee, consisting of 10 members of the general assembly, to:

• Study data, data analytics, and statistics on the scope of the substance use

disorder problem in Colorado;

- Study current prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans, as well as public and private insurance coverage and other sources of support for treatment and recovery resources;
- Review the availability of medication-assisted treatment and the ability of pharmacists to prescribe those medications;
- Examine measures that the federal government and other states and countries use to address substance use disorders;
- Identify the gaps in prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans and hurdles to accessing those resources;
- Identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources; and
- Examine law enforcement and criminal justice measures and technologies used in enforcing laws regarding opioids and other illegal substances.

The committee is authorized to meet 6 times each interim and may report up to 5 legislative measures to the legislative council, which bills are exempt from bill limitations and deadlines. The committee is repealed on July 1, 2020.

The act requires the governor to direct the Colorado consortium for prescription drug abuse prevention to:

- Create a process to develop a plan that addresses the full continuum of recovery services;
- Develop a definition for recovery residences and recommend whether the residences should be licensed; and
- Report recommendations to the general assembly by January 1, 2020.

The act specifies that school-based health care centers may apply for grants from the school-based health center grant program to expand behavioral health services to include treatment for opioid and other substance use disorders and requires the department of public health and environment to prioritize funding to the centers that serve communities with high-risk factors for substance abuse and limited access to treatment services.

The act directs the department of health care policy and financing, starting July 1, 2018, to award grants to organizations to operate a substance abuse screening, brief intervention, and referral to treatment practice.

The act directs the center for research into substance use disorder prevention, treatment, and recovery to develop and implement continuing medical education activities to help prescribers of pain medication to safely and effectively manage patients with chronic pain, and when appropriate, prescribe opioids or medication-assisted treatment.

For the 2018-19 fiscal year, the act appropriates:

• \$925,00 to the department of health care policy and financing from the marijuana tax cash fund for the screening, brief intervention, and referral to

treatment training grant program;

- \$750,000 to the department of higher education from the marijuana tax cash fund for the center for research into substance use disorder prevention, treatment, and recovery support strategies;
- \$39,249 to the legislative department from the general fund for expenses of the opioid and other substance use disorders study committee; and
- \$775,000 to the department of public health and environment from the marijuana tax cash fund for use by the prevention services division for the school-based health center grant program.

APPROVED by Governor May 21, 2018

EFFECTIVE May 21, 2018

H.B. 18-1006 Disease control - department of public health and environment - newborn screening - hearing screening - state board of health rules - fees - newborn hearing screening cash fund - reports - appropriations. The act updates the current newborn screening program to require more timely newborn hearing screenings. The department of public health and environment (department) is authorized to assess a fee for newborn screening and necessary follow-up services. The act also creates the newborn hearing screening cash fund in which the fees are to be deposited and used to cover the costs of the program.

The act requires the state board of health to promulgate rules:

- Concerning the requirements of the newborn screening program to screen for genetic and metabolic disorders;
- Requiring entities with information pertinent to newborn screening to report results of individual screenings to the department; and
- To establish and maintain appropriate follow-up services for newborns with positive screening results or who are at risk of hearing loss.

The department must develop and publish materials on its website for education and training on cytomegalovirus and must report to the general assembly, during its annual SMART act presentations, when it adds a condition for which an infant must be tested.

The act appropriates money to the department as follows:

- \$700,000 from the information technology capital account in the capital construction fund for use by the center for health and environmental data for an information and technology system for hearing loss screening;
- \$1,162,500 from the newborn screening and genetic counseling cash fund for use by the laboratory services division to expand laboratory space and purchase equipment; and
- \$89,222 from the newborn hearing screening cash fund for use by the center for health and environmental information for the birth defects monitoring and prevention program.

APPROVED by Governor June 4, 2018

EFFECTIVE July 1, 2018

H.B. 18-1032 <u>EMS patient information - health information network access - HIPAA limitations.</u> The department of public health and environment must provide individualized patient information from the department's EMS agency patient care database to health information organization networks for uses allowed under the federal "Health Insurance Portability and Accountability Act of 1996" (HIPAA). The department must provide the information through contracts with health information organization networks but must limit access and use of patient information by these networks to only the purposes allowed under HIPAA.</u>

APPROVED by Governor March 22, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1069 Water quality - reclaimed domestic wastewater - allowable uses - toilet flushing - rules - appropriation. The act codifies rules promulgated by the water quality control commission of the Colorado department of public health and environment concerning allowable uses of reclaimed domestic wastewater, which is wastewater that has been treated for subsequent reuses other than drinking water.

Section 3 of the act defines 3 categories of water quality standards for reclaimed domestic wastewater, sets forth the allowable uses for each water quality standard category, and adds toilet and urinal flushing in multifamily residential and nonresidential structures as allowable uses for reclaimed domestic wastewater. Section 3 also authorizes the commission to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. The commission may develop more stringent standards by rule if it determines that the existing standards and categories are not protective of public health and identifies a specific health risk posed by the use of reclaimed domestic wastewater under the existing standards. Section 3 also authorizes the division of administration in the department of public health and environment, after conducting a public stakeholders' process, to develop policy, guidance, or best management practices for use of reclaimed domestic wastewater. Finally, section 3 authorizes the division to grant variances for uses of reclaimed domestic wastewater.

Section 5 authorizes the state plumbing board to promulgate rules governing the installation and inspection of toilet and urinal systems and structures for which reclaimed domestic wastewater is used.

Section 6 appropriates \$25,054 in the 2018-19 fiscal year from the general fund to the department of public health and environment to implement the act.

APPROVED by Governor April 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1086 <u>Medicine - nursing - degree programs - community colleges.</u> The act allows, with state board for community colleges and occupational education (board) approval, a community college that is part of the state system of community and technical colleges (community college) to offer a bachelor of science degree in nursing as a completion degree (nursing degree). In considering a request from a community college to offer a nursing degree, the board shall consider student and workforce demand, cost effectiveness for students, and accreditation and licensing requirements. The board shall provide such information to the Colorado commission on higher education (commission) and solicit the commission's input during a joint meeting of the board and commission. At least 90 days prior to requesting board approval to offer a nursing degree, a community college shall provide notice of its request to the commission and all state institutions of higher education.

A reporting requirement is added, requiring each state-supported institution of higher education that offers a nursing degree to provide the department of higher education with an annual report concerning its nursing degree program.

APPROVED by Governor March 24, 2018

EFFECTIVE March 24, 2018

H.B. 18-1091 Dementia diseases - state missing persons alert program - Colorado school of medicine Alzheimer's center - name change. The act updates statutory references to Alzheimer's and other dementia diseases to reflect that dementia diseases have related disabilities impacting memory and other cognitive abilities. Missing persons with a dementia disease and related disability are added to the missing senior citizen and missing person with developmental disabilities alert program, and the program is renamed to reflect this change. The Alzheimer's disease treatment and research center within the university of Colorado school of medicine is renamed the dementia diseases and related disabilities treatment and research center.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1093 <u>Water quality - reclaimed domestic wastewater - allowable uses - food crop</u> <u>irrigation - rules - appropriation.</u> The act codifies rules promulgated by the water quality control commission of the Colorado department of public health and environment concerning allowable uses of reclaimed domestic wastewater, which is wastewater that has been treated for subsequent reuses other than drinking water.

Section 3 of the act defines 3 categories of water quality standards for reclaimed domestic wastewater, sets forth the allowable uses for each water quality standard category, and adds food crop irrigation as an allowable use for reclaimed domestic wastewater. Section 3 also authorizes the commission to establish new categories of water quality standards and to recategorize any use of reclaimed domestic wastewater to a less stringent category of water quality standard. The commission may develop more stringent standards by rule if it determines that the existing standards and categories are not protective of public health and identifies a specific health risk posed by the use of reclaimed domestic wastewater under the

existing standards. Section 3 also authorizes the water quality control division, after conducting a public stakeholders' process, to develop policy, guidance, or best management practices for use of reclaimed domestic wastewater. Finally, section 3 authorizes the division of administration in the department of public health and environment to grant variances for uses of reclaimed domestic wastewater.

Section 5 appropriates \$14,399 in the 2018-19 fiscal year from the general fund to the department of public health and environment for use by the water quality control division to implement the act.

APPROVED by Governor April 28, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1187 <u>Marijuana - dispense prescription approved by FDA.</u> The act amends the definition of "marijuana" to exclude prescription drug products approved by the federal food and drug administration and dispensed by a pharmacy or prescription drug outlet registered by the state of Colorado. The act also specifies that the change does not restrict or otherwise affect regulation of or access to:

- Marijuana that is authorized by the Colorado constitution and statutes; or
- Industrial hemp and derivatives therefrom, as authorized by the Colorado constitution and statutes.

APPROVED by Governor June 4, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1239 Environmental management system permit program - continuation under sunset law - repeal. The act implements the recommendations of the sunset review and report on the environmental management system permit program by allowing the program to repeal.

APPROVED by Governor April 12, 2018

EFFECTIVE April 12, 2018

H.B. 18-1265 <u>Stroke advisory board - continuation under sunset law.</u> The act continues the stroke advisory board for 10 years and subjects the board to sunset review prior to its repeal on September 1, 2028.

APPROVED by Governor May 4, 2018

EFFECTIVE September 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1282 <u>Health care providers - claims for payment for services - use of unique provider identifier.</u> The act requires an off-campus location of a hospital to apply for, obtain, and use on claims for reimbursement submitted on or after January 1, 2020, for health care services provided at the off-campus location a unique national provider identifier, commonly referred to as "NPI". The off-campus location's NPI must be used on all claims related to health care services provided at that location, regardless of whether the claim is filed through the hospital's central billing or claims department or through a health care clearinghouse.</u>

Additionally, all medicaid providers that are entities are required to obtain and use, on and after January 1, 2020, a unique NPI for each site at which they deliver services and for each provider type that the department of health care policy and financing has specified. Entity medicaid providers must use on all claims the unique NPI that identifies both the site where the services were provided and the provider type rendering the services, regardless of whether the claim is filed through the entity's central billing or claims department or through a health care clearinghouse.

APPROVED by Governor April 25, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1302 <u>Toxicology laboratories - accrediting entity - certification requirement waivers.</u> The act allows the department of public health and environment to waive certain certification requirements for toxicology laboratories that are accredited by an entity using nationally or internationally recognized forensic standards, rather than by the American board of forensic toxicology or the international standards organization.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1400 <u>Air quality control commission - stationary sources of air pollution - increased</u> <u>fee caps - stakeholder process - reporting - appropriation.</u> The act increases the statutory caps on the following fees set by the air quality control commission (commission) by rule and assessed against stationary sources of air pollutants:

Type of Fee	Current Cap	New Cap
Air pollutant emission notices	\$152.90	\$191.13
Per-ton fee for regulated pollutants	\$ 22.90	\$ 28.63
Per-ton fee for hazardous pollutants	\$152.90	\$191.13
Per-hour permit processing fee	\$ 76.45	\$ 95.56

The maximum statutory fees automatically increase by the rate of inflation on each January 1 from 2019 to 2028, but the commission, by rule, will set the fee amounts at or below the statutory caps. The division of administration in the department of public health and environment (department) shall prioritize its use of the revenues generated by the fee

increases to reduce permit processing times.

The division will:

- Engage affected industries to identify and assess measures to improve billing practices, increase accounting transparency, and assess potential efficiency improvements with respect to division activities financed by the fees; and
- Report status updates on the stakeholder process to the general assembly through 2022.

\$1,555,293 is appropriated from the stationary sources control fund to the department to implement the act.

APPROVED by Governor May 18, 2018

EFFECTIVE May 18, 2018

HEALTH CARE POLICY AND FINANCING

S.B. 18-74 Services and supports - intellectual and developmental disabilities - Prader-Willi syndrome. Current law does not guarantee that an individual who has the genetic condition known as Prader-Willi syndrome will receive crucial services and supports that are available for persons with intellectual and developmental disabilities. The act adds Prader-Willi syndrome to the list of disorders with mandatory eligibility for services and supports and also to the definition of an "intellectual and developmental disability" for the purpose of receiving services and supports.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-93 <u>Repeal obsolete statutory provisions - medicaid - reference to AIDS waiver.</u> **Statutory Revision Committee.** The act repeals the inactive home- and community-based services waiver under the Colorado medical assistance program for persons with health complexes related to acquired immune deficiency syndrome (persons living with AIDS waiver). Due to the consolidation of home- and community-based services waivers under the Colorado medical assistance program, persons participating in the persons living with AIDS waiver were transferred to the home- and community-based services waiver for the elderly, blind, and disabled, and federal authorization for the persons living with AIDS waiver has been withdrawn. The act makes a conforming amendment to remove references to the obsolete home- and community-based services waiver program.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-195 <u>Health care affordability and sustainability fee cash fund - annual appropriation</u> by general assembly. Beginning with state fiscal year 2018-19, the act makes the expenditure of money from the healthcare affordability and sustainability fee cash fund, which had been continuously appropriated to the Colorado healthcare affordability and sustainability enterprise for specified healthcare related purposes, subject to annual appropriation by the general assembly.

APPROVED by Governor April 30, 2018

EFFECTIVE July 1, 2018

S.B. 18-231 Individuals with disabilities - transition from educational services to community-based services - task force - appropriation. The act establishes a task force for transition planning to make recommendations on improvements for the transition of individuals with disabilities who are receiving services and supports in an educational setting to receiving services and supports through home- and community-based services. It specifies membership on the task force and duties including making a report to specified committees

of the general assembly.

The act appropriates \$109,500 to the department of health care policy and financing for the task force.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

S.B. 18-266 Accountable care collaborative - information to providers - claims review - cost-control strategies - report and evaluation - appropriation. The act directs the department of health care policy and financing (department) to provide information to providers participating in the accountable care collaborative regarding:

• Cost and quality of medical services provided by hospitals and other medicaid providers; and

• Cost and quality of available pharmaceuticals prescribed by medicaid providers. The department may make the same information available to other medicaid providers.

The department shall automatically review claims to identify and correct improper coding prior to payment and may obtain commercial technology to conduct the reviews.

The department is authorized to pursue cost-control strategies, value-based payments, and other approaches to reduce the rate of expenditure growth in the medicaid program. The department shall allow recipients, providers, and stakeholders an opportunity to comment and shall report to the joint budget committee prior to implementing any strategies or measures. The department is required to contract for an independent evaluation of any measures pursued and to provide reports to the joint budget committee on the evaluations.

Subject to federal approval, the act also directs the department to design and implement an evidence-based hospital review program to ensure that utilization of hospital services is based on a recipient's need for care. Prior to implementing any changes, the department shall allow recipients, providers, and stakeholders an opportunity to comment and shall report to the joint budget committee. The act requires the department to report to the joint budget committee on the estimated savings from the changes and to report to its committees of reference at its SMART act hearings on the savings and impact on recipients.

The act appropriates \$2,737,764 to the department of health care policy and financing.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1007 Substance use disorder treatment - payment and coverage provisions - <u>Medicaid - insurance carriers.</u> The act requires all individual and group health benefit plans to provide coverage without prior authorization for a 5-day supply of at least one of the federal food and drug administration-approved drugs for the treatment of opioid dependence for a first request within a 12-month period.

The act prohibits carriers from taking adverse action against a provider or from providing financial incentives or disincentives to a provider based solely on a patient

satisfaction survey relating to the patient's satisfaction with pain treatment.

The act clarifies that an "urgent prior authorization request" to a carrier includes a request for authorization of medication-assisted treatment for substance use disorders.

The act permits a pharmacy that has entered into a collaborative pharmacy practice agreement with one or more physicians to administer injectable antagonist medication for substance use disorders and receive an enhanced dispensing fee for the administration.

The act requires the Colorado medical assistance program to authorize reimbursement for at least one federal food and drug administration-approved ready-to-use opioid overdose reversal drug without prior authorization.

The act permits a pharmacy that has entered into a collaborative pharmacy practice agreement with one or more physicians to administer injectable antagonist medication for substance use disorders and receive an enhanced dispensing fee under the Colorado medical assistance program for the administration.

The act requires the department of health care policy and financing and the office of behavioral health in the department of human services to establish rules that standardize utilization management authority timelines for the nonpharmaceutical components of medication-assisted treatment for substance use disorders.

APPROVED by Governor May 21, 2018

EFFECTIVE Janaury 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1136 <u>Medicaid - residential and inpatient substance use disorder services benefit - waiver submission - appropriation.</u> The act adds residential and inpatient substance use disorder services and medical detoxification services to the Colorado medical assistance program. The benefit is limited to persons who meet nationally recognized, evidence-based level of care criteria for residential and inpatient substance use disorder treatment, and covers all levels of care. The benefit will not be effective until the department of health care policy and financing (department) seeks and receives any federal authorization necessary to secure federal financial participation in the program. Prior to seeking federal approval, the department shall seek input from stakeholders regarding decisions relating to the benefit.</u>

The department shall prepare and submit a performance review report to committees of the general assembly concerning services provided under the benefit and the effectiveness of those services. After considering the performance review report, the general assembly may enact legislation modifying or repealing the benefit.

If an enhanced residential and inpatient substance use disorder treatment and medical detoxification services benefit becomes available, managed care service organizations shall determine to what extent money allocated from the marijuana tax cash fund may be used to assist in providing treatment, including residential treatment and medical detoxification services if those services are not otherwise covered by public or private insurance.

For the 2018-19 state fiscal year, the act appropriates \$236,827 to the department executive director's office to implement the act. Of this amount, \$155,193 is from general fund and \$81,634 is from the healthcare affordability and sustainability fee cash fund. The general assembly also anticipates receiving \$236,828 in federal funds for use by the executive director's office to implement this act.

APPROVED by Governor June 5, 2018

EFFECTIVE June 5, 2018

H.B. 18-1211 <u>Medicaid fraud control unit - department of law.</u> The medicaid fraud control unit (unit) is established in the department of law. The unit is responsible for investigation and prosecution of medicaid fraud and waste, as well as patient abuse, neglect, and exploitation. Prior to initiating a criminal prosecution, the unit must consult with the district attorney of the judicial district where the prosecution would be initiated. The department of health care policy and financing is authorized to require medicaid providers to include information about reporting medicaid fraud to the unit in any explanation of benefits provided to a medicaid beneficiary.

The act creates offenses related to making false statements on applications, medicaid fraud, and credit and recovery of medicaid payments. The act makes it unlawful to receive certain kickbacks, bribes, and rebates related to the administration of a medicaid service. Actions brought under the provisions of the act must commence within 3 years after the discovery of the offense, but no later than 6 years after the commission of the offense.

APPROVED by Governor April 25, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1321 <u>Medicaid - nonemergency medical transportation benefit - method to meet</u> <u>urgent transportation needs - creation - appropriation.</u> The act requires the department of health care policy and financing (department) to create and implement a method for meeting urgent transportation needs within the existing nonemergency medical transportation benefit under the medical assistance program. The method created by the department must provide medical service provider and facility access to approved providers who can meet urgent transportation needs and include an efficient method for obtaining and paying for the transportation services. The department shall annually report to certain committees of the general assembly on the implementation and effectiveness of the process.</u>

For the 2018-19 state fiscal year, the act appropriates \$359,295 of general fund and \$18,326 from the healthcare affordability and sustainability fee cash fund to implement the act. The general assembly also anticipates receiving \$436,989 in federal funds to implement the act.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1326 <u>Community transition services and supports - reports - appropriation</u>. The act directs the department of health care policy and financing (department) to provide community transition services and supports to persons who are in an institutional setting, who are eligible for medicaid, and who desire to transition to a home- or community-based setting (eligible persons).

The act requires the department to submit an annual report to specified committees of the general assembly on the effectiveness of providing the services and supports.

The act reduces an appropriation to the department and increases another appropriation to the department and to the department of local affairs.

APPROVED by Governor April 30, 2018

EFFECTIVE July 1, 2018

H.B. 18-1327 <u>All-payer health claims database - general fund money - grant program - appropriation.</u> The act authorizes the general assembly to appropriate general fund money to the department of health care policy and financing (department) to pay for expenses related to the all-payer health claims database (database).

The act also establishes the all-payer health claims database scholarship grant program (grant program) to assist nonprofit organizations and governmental entities, other than the department, in accessing the database to conduct research. The act authorizes the advisory committee to oversee the database, review grant applications and recommend to the department which grant applications to fund and the amount of each grant. The department is authorized to develop and review grant applications and determine which grant applications to fund and the amount of each grant applications to fund and the amount of each grant applications governing the grant program.

The act appropriates \$1,570,395 to the department to pay for the database and the grant program.

APPROVED by Governor April 23, 2018

EFFECTIVE April 23, 2018

H.B. 18-1328 <u>Medicaid - children's habilitation residential program - authorize redesigned</u> <u>waiver - appropriation.</u> The act directs the department of health care policy and financing (department) to initiate a stakeholder process for purposes of preparing and submitting a redesigned children's habilitation residential program (program) waiver for federal approval that allows for home- and community-based services for children with intellectual and developmental disabilities who have complex behavioral support needs. The department may also request federal authorization to change the agency designated to administer and operate the program from the department of human services to the department.

The act includes language creating the redesigned program, relocates the program in statute, and makes conforming changes in statute to reflect the new location of the program. The new program will become effective once federal approval has been granted for the redesigned children's habilitation residential program waiver.

The act makes the following adjustments to the 2018 general appropriation act:

- Increases the appropriations to the department of health care policy and financing for general administrative expenses;
- Increases appropriations to the department of health care policy and financing for medical services premiums;
- Decreases appropriations to the department of health care policy and financing relating to medicaid-funded programs in the department of human services;
- Allocates expected federal funds;
- Appropriates \$1,257,660 to the department of health care policy and financing office of community living for the children's habilitation residential program and anticipates the receipt of a matching amount of federal funds.

The act specifies that certain provisions take effect upon notice to the revisor of statutes pursuant to section 25.5-5-306 (6), Colorado Revised Statutes, as enacted in section 2 of this act.

APPROVED by Governor April 30, 2018

EFFECTIVE July 1, 2018

H.B. 18-1329 <u>Medicaid - durable medical equipment providers - supplemental state-only</u> <u>payment - appropriation.</u> The act authorizes a supplemental payment of state-only money to qualified providers of durable medical equipment who experienced a decrease in reimbursement in the 2017-18 state fiscal year as a result of the implementation of the federal "21st Century Cures Act".

The act directs the department of health care policy and financing (department) to distribute a supplemental payment to qualified providers, as defined in the act, for services provided from January 1, 2018, to March 15, 2018, and includes provisions for determining the amount of each qualified provider's supplemental payment. The act authorizes the medical services board to adopt rules as necessary.

The act appropriates \$7,591,815 from the general fund to the department for the supplemental payment to qualified providers.

APPROVED by Governor May 4, 2018

EFFECTIVE May 4, 2018

H.B. 18-1330 <u>Medicaid - office-administered oncology drugs - providers - supplemental payment - state-only money - appropriation.</u> The act authorizes a supplemental payment of state-only money to providers under the medicaid program of certain office-administered drugs relating to oncology who experienced a decrease in aggregate reimbursements in the 2017-18 fiscal year as a result of the implementation of the federal department of health and human services final rule for covered outpatient drugs, 81 FR 5169, published in the federal register on February 1, 2016.

The act directs the department of health care policy and financing (department) to distribute a supplemental payment to qualified providers, as defined in the act, and includes provisions for determining the amount of each qualified provider's supplemental payment. The

act authorizes the medical services board to adopt rules as necessary.

\$754,000 of general fund money is appropriated to the department for the supplemental payment to qualified providers.

APPROVED by Governor April 23, 2018

EFFECTIVE April 23, 2018

H.B. 18-1335 <u>Child care assistance program - provider rates study - county block grants - adjustments - federal poverty level rate.</u> For providers under the Colorado child care assistance program (CCCAP), the act requires the state department of human services (department), in consultation with the counties, annually to contract for a market rate study of provider rates for each county. Based on the market rate study and each county's percentage of the total number of children eligible to participate in CCCAP, the department establishes the amount of each county's block grant. The act allows the department to adjust a county's block grant amount based upon rules promulgated by the department.

Under current law, a county is permitted to determine the percentage of the federal poverty level for eligibility in CCCAP for that county. The act sets the federal poverty level for all counties at 185% but allows the state board of human services to adjust the percentage by rule if required by federal law.

The act adjusts certain periods of eligibility and removes references to preconditions that have been previously met.

APPROVED by Governor June 6, 2018

EFFECTIVE July 1, 2018

H.B. 18-1407 Medicaid - home- and community-based services - increased compensation for certain direct support professionals - reduction in developmental disabilities waiting list -The act requires the department of health care policy and financing appropriation. (department) to seek federal approval for a 6.5% increase in the reimbursement rate for certain services specified in the act that are delivered through the home- and community-based services intellectual and developmental disabilities, supported living services, and children's extensive supports waivers. Service agencies shall use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation, as defined in the act, for these direct support professionals. The act requires service agencies to document the use of the increased funding for compensation using a reporting tool developed by the department and the service agencies, and to submit a report to the department for the 2018-19 through the 2020-21 fiscal years. If the department determines that a service agency does not use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation for direct support professionals, subject to procedures set forth in the act, the department shall recoup funding that is not used for compensation for direct support professionals as intended in the act.

Once sufficient data is available to assess the impact and outcomes of the reimbursement rate increase on persons with intellectual and developmental disabilities, the department shall include the impact and outcome data, including staff stability survey data, in its annual report to the general assembly concerning the waiting list for intellectual and

developmental disability services.

The act requires the department to initiate 300 nonemergency enrollments from the waiting list for the home- and community-based services developmental disabilities waiver in the 2018-19 state fiscal year. In addition, the medical services board (board) in the department shall promulgate rules establishing additional criteria for reserve capacity enrollments based on the age and capacity of a person's parent or caregiver. The department shall include in a monthly report the number of persons who were moved off the developmental disabilities waiting list for both nonemergency enrollments and reserve capacity enrollments.

For the 2018-19 state fiscal year, the act appropriates \$12,185,446 from the general fund to the department to implement the act. The department anticipates receiving an additional \$12,400,935 in federal funds to implement the act.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

H.B. 18-1431 <u>Medicaid - statewide managed care system - accountable care collaborative - repeal, relocate, and amend statutory provisions.</u> The act amends, repeals, and relocates provisions of part 4 of article 5 of title 25.5, Colorado Revised Statutes, relating to managed care provisions under the medical assistance program to align with the federal "Medicaid and CHIP Managed Care Final Rule of 2016" and to reflect the implementation of the accountable care collaborative as the statewide managed care system. The act:

- Updates the definition of the statewide managed care system and makes conforming amendments throughout the statutes;
- Integrates medicaid community mental health services into the statewide managed care system;
- Includes capitated rates specifically for community mental health services;
- Establishes the medical home model of care for the statewide managed care system;
- Relocates provisions relating to graduate medical education;
- Clarifies that the statewide managed care system is authorized to provide services under a single managed care entity (MCE) or a combination of MCE types, including primary care case management entities authorized under federal law;
- Removes duplicate provisions relating to the medicaid reform and innovation pilot program;
- Relocates provisions relating to the requirement that MCEs certify capitation payments as sufficient;
- Removes outdated language referencing behavioral health organizations;
- Updates the definitions for "managed care" and "managed care entities" and adds definitions for "medical home" and "primary care case management entities";
- Aligns provisions in statutes relating to the features of MCEs with new and existing federal managed care regulations that require:
 - Criteria for accepting enrollees and protecting enrollees from discrimination;

- Provisions relating to network adequacy standards;
- Revised communication standards;
- Updated provisions relating to grievances and appeals;
- Participation in a comprehensive quality assessment and performance improvement program; and
- Administration of a program integrity system;
- Removes certain provisions from statute relating to prescription drug contracting practices that were relevant to a competitive managed care organization model or that duplicated provisions established in rule;
- Removes references to the obsolete primary care physician program;
- Increases the timeline for the rate setting process for capitation rates to meet new federal review requirements;
- Repeals statutory sections that contain provisions that are relocated or revised and included in other statutory sections in the act, and repeals statutory sections that include obsolete programs or policies; and
- Updates statutory references to reflect the relocated, revised, or repealed provisions.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

HUMAN SERVICES - BEHAVIORAL HEALTH

S.B. 18-91 <u>Behavioral health - terminology.</u> **Statutory Revision Committee.** The act is a follow-up and clean-up to Senate Bill 17-242, concerning modernizing terminology in the Colorado Revised Statutes related to behavioral health, including mental health disorders, alcohol use disorders, and substance use disorders.

APPROVED by Governor March 15, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-94 <u>Behavioral health - definitions.</u> **Statutory Revision Committee.** The act repeals a duplicate definitions section for general provisions relating to behavioral health found in article 60 of title 27, Colorado Revised Statutes. Two separate, but substantively the same, definition sections were added by 2 separate acts in the 2017 legislative session. The act leaves in place the definitions section enacted by Senate Bill 17-242, concerning modernizing terminology in the Colorado Revised Statutes related to behavioral health.

APPROVED by Governor March 15, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-96 <u>Intellectual and developmental disability - updates to terminology.</u> **Statutory Revision Committee.** The act modernizes and makes nonsubstantive changes to provisions of statute that use terms like "mental retardation" or "mentally retarded" by replacing the terms with more appropriate "intellectual and developmental disability" language.

APPROVED by Governor March 21, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-145 <u>Medicaid - supported employment services for persons with disabilities - provider training requirement - reimbursement of vendors - discovery process - appropriation.</u> The act requires the department of labor and employment and the state medical services board in the department of health care policy and financing to promulgate rules that require all providers of supported employment services for persons with disabilities to obtain a nationally recognized supported employment training certificate or earn a nationally recognized supported employment certification relating to supported employment services. The rules must specify time frames for completion of the training or certification. The time frames must provide for training to be completed over a 5-year period, subject to appropriations for reimbursement of vendors. The state medical services board shall adopt rules for administering the reimbursements to vendors, which must be \$300 for each certification exam and \$1,200 for each training program certificate and which includes reimbursement for both

the cost of training and wages paid to employees during training.

The act requires that the department of labor and employment's fee schedule for rehabilitation services include the discovery process as an alternative comprehensive assessment if appropriate for persons with disabilities.

The act lists annual employment data, reported by county, that the department of health care policy and financing must collect.

The act corrects the repeal provision language for the employment first advisory partnership and its duties.

For the 2018-19 state fiscal year, the act appropriates:

- \$27,675 of general fund to the department of health care policy and financing, and .04 FTE to implement the act;
- \$2,131 of general fund to the department of labor and employment to purchase legal services from the department of law, and reappropriates that amount to the department of law.

APPROVED by Governor May 18, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-161 <u>Behavioral health transformation council.</u> The behavioral health transformation council, created in 2010 to advise the governor's cabinet on transforming the behavioral health system in Colorado, is repealed, effective September 1, 2018.

APPROVED by Governor April 12, 2018

EFFECTIVE September 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-207 Department of human services - authority - indirect costs - older Coloradans cash fund - nurse home visitor program fund. The act authorizes the department of human services to retain money for its indirect costs, based on a federally approved cost allocation plan, from the older Coloradans cash fund and the nurse home visitor program fund.

APPROVED by Governor May 4, 2018

EFFECTIVE May 4, 2018

S.B. 18-270 Office of behavioral health - community transition specialist program - referral coordination of high-risk individuals - rules - data collection - SMART act report - appropriation. The act establishes the community transition specialist program (program) in the office of behavioral health (office) in the department of human services (department). The program coordinates referrals of high-risk individuals from certain behavioral health facilities

and programs to transition specialists. High-risk individuals are under an emergency or involuntary hold, have a significant mental health or substance use disorder, and are not in consistent behavioral health treatment. Transition specialists provide services related to housing, program placement, access to behavioral health treatment or benefits, advocacy, and other supportive services. The department is required to adopt rules by October 1, 2018, to implement the program. The office is required to collect data and make recommendations to the department, and the department is required to include program information in the department's annual SMART act report.

\$1,588,250 is appropriated from the general fund to the department of human services for use by the office of behavioral health to implement the community transition specialist program.

APPROVED by Governor May 21, 2018

EFFECTIVE May 21, 2018

S.B. 18-272 <u>Crisis and suicide prevention training - grant program.</u> The act creates the crisis and suicide prevention training grant program (grant program) in the department of public health and environment (department). The purpose of the grant program is to provide financial assistance to schools in providing crisis and suicide prevention training to schools, with priority given to those schools that have previously not received such training. The grant program may authorize up to \$400,000 in grants per year in varying amounts. The office of suicide prevention and the school safety resource center shall work collaboratively with the department to develop guidelines and criteria for the grant program. Grant recipients are required to report on their activities using grant money.

The crisis and suicide prevention training grant program fund is created and authorized to accept appropriations from the general assembly, as well as gifts, grants, and donations.

The act makes conforming amendments that authorize the existing office of suicide prevention in statute.

The act appropriates \$400,000 from the general fund to the department for use by the prevention services division for suicide prevention.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1094 <u>Mental health - children and youth mental health treatment act - provision of services</u>. The act extends indefinitely the "Child Mental Health Treatment Act" and renames it the "Children and Youth Mental Health Treatment Act" (act). Significant changes to the act include:

• Continuing the ability of a parent or guardian of a non-medicaid eligible child or youth to receive mental health services for the child or youth without unwarranted child welfare involvement;

- When evaluating a child or youth for eligibility for mental health treatment services (services), the evaluating mental health agency shall use a standardized risk stratification tool;
- Establishing a new definition of "mental health agency" to capture a larger set of behavioral health services providers;
- Reporting requirements for the department of health care policy and financing and mental health agencies that provide services for children and youth are updated and clarified;
- Requiring the department of human services to maintain and update a list of providers on its website, as well as post information from various reports required by the act, excluding any personal health information; and
- Revising the membership of the advisory board that assists and advises the executive director of the department of human services with the development of service standards and rules for the provision of services.

APPROVED by Governor May 30, 2018

EFFECTIVE June 30, 2018

H.B. 18-1333 <u>Persons with developmental disabilities - early intervention services for infants</u> <u>and toddlers - study - appropriation.</u> Part C of child find, part of the federal "Individuals with Disabilities Education Act", requires states to identify children from birth through 2 years of age for early intervention services. Part C child find is administered by the department of education. Early intervention services for children through 2 years of age are administered by the state department of human services.

The act defines "early intervention evaluations" as evaluations performed pursuant to part C child find. The state department of human services and the department of education are required to enter into an interagency agreement (agreement) to study the administration of early intervention evaluations by October 1, 2018, and to report the results of the study performed pursuant to the agreement to the joint budget committee by June 30, 2019.

\$15,000 is appropriated from the general fund to the department of human services for the study.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

H.B. 18-1357 Behavioral health care - access - office of ombudsman - insurance commissioner report on mental health parity - appropriation. Sections 1 and 2 of the act establish the office of the ombudsman for behavioral health access to care as an independent office within the office of the executive director of the department of human services to assist Coloradans in accessing behavioral health care.

Section 3 requires the commissioner of insurance to report on issues related to mental health parity requirements.

\$85,695 is appropriated from the general fund to the department of human services to use for the office of the ombudsman for behavioral health access to care, and \$8,355 is

appropriated from the division of insurance cash fund to the division of insurance to implement the act.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

HUMAN SERVICES - SOCIAL SERVICES

S.B. 18-92 <u>Human services - county departments of human or social services.</u> **Statutory Revision Committee.** The act modernizes outdated references in statute to "county department(s) of social services", or similar terms, to "county department(s) of human or social services". Counties throughout the state have different ways of referring to the department in the county that does human or social services work, so it is necessary for statute to reflect that not all county departments go by a single label.

APPROVED by Governor March 15, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-99 Early childhood education programs - quality improvement systems. The act amends the application and eligibility requirements for the school-readiness quality improvement program and the infant and toddler quality and availability grant program to align with the Colorado shines quality rating and improvement system to streamline the administration of the programs.

The act removes obsolete references to early childhood and education councils and makes conforming amendments to reflect the references changed in the act and to remove terms no longer used in the programs.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-162 Substitute child care providers - placement agency license - rules. The act creates a license within the department of human services (department) for a substitute placement agency that places or that facilitates or arranges placement of substitute child care providers in licensed child care facilities providing less than 24-hour care.

The act requires the state board of human services to establish rules for substitute child care providers and substitute placement agencies, including a requirement that substitute child care providers submit to a fingerprint-based criminal history record check and a review of records of child abuse and neglect maintained by the department.

The act allows the department to establish and collect a fee for licensing substitute placement agencies.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-163 Early childhood and school readiness legislative commission - extension of repeal date - staffing - appropriation. The act extends the repeal date of the early childhood and school readiness legislative commission (commission). The act authorizes the commission to meet up to 4 times each year but does not require the commission to meet. Legislative staff agencies shall staff the commission.

The act appropriates \$31,155 from the general fund to the legislative department for legislative member per diem and travel expenses and for commission staffing.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

S.B. 18-164 <u>Unfunded programs.</u> **Statutory Revision Committee.** The act directs that reporting requirements for programs established in the department of human services that have not received funding in several years be placed on hold until such time as the program receives funding.

APPROVED by Governor March 15, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-254 <u>Child welfare services - out-of-home placements - funding - appropriation.</u> The act addresses numerous reforms to the funding structure for the state's child welfare services, including:

- Clarifying the types of child welfare services that must be available and provided, as necessary and appropriate, by county departments of human or social services (county departments);
- Eliminating the option for county departments to maintain unspent general fund money from the child welfare services block allocation if they participate in the collaborative management program or the integrated care management program;
- Adding a statutory definition of and citation to the federal "Family First Prevention Services Act of 2018";
- Creating a program in the child welfare system for residential out-of-home placements for children and youth with intellectual and developmental disabilities;
- Changing the number of and process for appointments to the child welfare allocations committee;
- Requiring the development of a child welfare system funding model;
- Increasing the percentage that counties are reimbursed by the state for adoption and relative guardianship subsidies from 80% to 90%;
- Formalizing the input process of the child welfare allocations committee;
- Allowing the department of human services (state department) to submit supplemental budget requests for increases in out-of-home placement provider rates and adoption and relative guardianship expenditures;
- Modifying language concerning negotiations between county departments and
providers for out-of-home placement rates;

- Requiring capacity evaluations in counties or regions;
- Requiring the state department to perform an analysis and cost projections to determine the fiscal impact on the state for changes in federal reimbursement rates for child welfare expenditures that result from the federal "Family First Prevention Services Act of 2018";
- Modifying the close-out process for child welfare expenditures;
- Creating a child welfare prevention and intervention services cash fund into which unspent general fund money allocated to county departments through block allocations are transferred for sustainability of state-approved prevention and intervention programs and services; and
- Creating the delivery of child welfare services task force.

The act reduces appropriations made in the general appropriations act and makes new appropriations to the department of human services for the division of child welfare.

APPROVED by Governor May 18, 2018

EFFECTIVE May 18, 2018

H.B. 18-1010 Division of youth services - reporting of recidivism data and educational <u>outcomes.</u> The act requires the department of human services (department), to annually collect recidivism data and calculate the recidivism rates and educational outcomes for juveniles committed to the custody of the department who complete their parole sentences and discharge from department supervision. In collecting the recidivism data, the department shall include any juvenile adjudication or adult conviction of a criminal offense within 3 years after parole discharge. The department shall report the recidivism data, recidivism rates, and educational outcomes to the general assembly annually.

Existing law requires the state auditor to perform 2 audits of the department's reports of recidivism rates and educational outcomes. The act requires the judicial department to provide data to the state auditor as permissible by law for the purposes of these audits.

The act adds 2 members to the youth restraint and seclusion working group within the division of youth services.

APPROVED by Governor March 7, 2018

EFFECTIVE March 7, 2018

H.B. 18-1049 <u>Grand junction regional center campus - department of human services - authority to continue leasing portions of campus.</u> The department of human services currently leases portions of the Grand Junction regional center campus to third-party behavioral health providers. The act authorizes the department to continue such leases until June 30, 2020, and each party to such lease may terminate the lease early provided that the terminating party provide the other party with 90 days notice before vacating the property or requiring the property to be vacated.

APPROVED by Governor April 12, 2018

EFFECTIVE April 12, 2018

H.B. 18-1079 <u>TANF - Colorado long-term works reserve - spending recommendations.</u> The act requires the works allocation committee to annually submit to the executive director of the department of human services (department), the governor, and the joint budget committee recommendations for the use of the money in the Colorado long-term works reserve for the upcoming state fiscal year. The department-appointed members are not required to vote on the annual recommendations. The county-appointment members shall draft the annual recommendations.

APPROVED by Governor March 1, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1108 <u>Colorado commission for the deaf, hard of hearing, and deafblind - commission name change - expansion of duties - pilot program - deafblind citizens council creation.</u> The act changes the name of the "Colorado commission for the deaf and hard of hearing" to the "Colorado commission for the deaf, hard of hearing, and deafblind". The act expands the commission's duties to include establishing a community access program for one-on-one system navigation and changes the membership on the committee reviewing grant applications under the act. The act creates the deafblind citizens council to advise the commission on assisting the deafblind community. The commission must also establish a pilot program to provide auxiliary services to executive agencies. The pilot program must be evaluated by an independent contractor and the evaluation must be provided to the governor and general assembly.

The act updates references to "deaf or hard of hearing" to "deaf, hard of hearing, or deafblind".

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1141 <u>Early childhood</u>. **Statutory Revision Committee.** The act removes outdated references in statute to "early childhood care and education councils". The term is no longer used. Instead, these entities are referred to as "early childhood councils".

APPROVED by Governor March 22, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1196 <u>Aid to the needy disabled program - persons authorized to perform an</u> <u>examination.</u> A licensed psychologist or any other licensed health care personnel the department of human services deems appropriate are added to the list of persons authorized to perform an examination necessary for an applicant to receive assistance under the aid to the needy disabled program. Any person who performs an examination is required to certify the diagnosis, prognosis, and other relevant medical or mental factors relating to the applicant's disability.

APPROVED by Governor March 29, 2018

EFFECTIVE March 29, 2018

H.B. 18-1306 Child welfare - public schools - students in out-of-home placement - school of origin - definition of homeless child - transportation of nonresident children to school district without consent of resident school district - appropriation. Provisions of the act align state law with federal "Every Student Succeeds Act" (ESSA) provisions relating to students in foster care, referred to in state statutes as "students in out-of-home placement". ESSA permits students in out-of-home placement at any time during the school year to remain in their school of origin, as defined in the act, rather than move to a different school upon placement outside of the home or changes in placement, unless the county department of human or social services (county department) determines that it is not in the child's best interest to remain in his or her school of origin. Specifically, the act:

- Defines "education provider" to include public schools, including charter schools; school districts; and boards of cooperative services;
- Clarifies the role of an education provider's child welfare education liaison with respect to the county department's best interest determination, the transfer of records, transition planning, and immediate enrollment of the child or youth;
- Subject to available appropriations, establishes a permanent foster care education coordinator at the department of education with duties beginning in the 2019-20 fiscal year;
- Requires education providers to immediately enroll students in out-of-home placement in school even without academic and immunization records and includes provisions for requesting and receiving records from a sending school;
- Requires education providers and county departments to enter into agreements relating to how transportation and other necessary services for students in out-of-home placement will be provided, arranged, and funded; and
- Removes barriers to obtaining a high school diploma by allowing education providers to waive course requirements or provide competency-based measures to satisfy graduation requirements.

Commencing with the 2019-20 fiscal year, the act creates the educational stability grant program (grant program) in the department of education to provide grants, subject to available appropriations, to education providers to provide educational services and supports to highly mobile students. The state board of education shall adopt rules for the grant program and award the grants. The department of education shall report on the implementation and outcomes of the grant program.

The act requires county departments to develop a process for determining the best interests of a child or youth in remaining in the school of origin. Counties are required to provide services, including transportation, for students remaining in the school of origin and services for those students transferring to another school, and to enter into agreements with education providers regarding the provision of these services and funding for the services.

The act updates the definition of "homeless child" to include children and youth and amends education statutes relating to school attendance and services for homeless children and youth.

The act permits the board of education of a school district to transport residents of any other school district, without the consent of the district of residence, or to reimburse a parent or guardian for furnishing transportation of his or her child or other children to the school district, without the consent of the district of residence.

The act appropriates \$2,817,327 to the department of human services, consisting of \$550,066 of local funds and \$2,267,261 from TANF block grant funds, to be used for the executive director's office administration, the division of child welfare administration, and child welfare services.

APPROVED by Governor June 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1319 Foster care youth - extension of services - former foster care youth steering committee - appropriation. The act allows county departments of human or social services to extend the provision of certain services for a successful adulthood to foster care youth between the ages of 18 and 21 who have exited the foster care system (former foster care youth), including assistance with employment, housing, education, financial management, mental health care, and substance abuse treatment (services for a successful adulthood).

The act also tasks the state department of human services with establishing a former foster care youth steering committee. The purpose of the steering committee is to develop recommendations for an implementation plan that supports the long-term provision of services for a successful adulthood for former foster care youth.

The act appropriates \$30,000 to the division of child welfare to administer the program.

APPROVED by Governor May 18, 2018

EFFECTIVE May 18, 2018

H.B. 18-1334 <u>Transitional jobs program - extension - appropriation</u>. The transitional jobs program is currently set to end on June 30, 2019, and no new transitional jobs are to be offered after December 31, 2018. The act extends the program for 5 additional years.

The act appropriates \$1,278,751 to the department of human services for the program.

APPROVED by Governor April 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

2018 DIGEST

HUMAN SERVICES - SOCIAL SERVICES

H.B. 18-1348 <u>Child welfare system - foster child records - child care.</u> The act allows foster parents access to certain information regarding a foster child or prospective foster child, including judicial information and education records. The act requires that a county prioritize child care assistance for certified foster parents and certified kinship foster parents and for noncertified kinship care providers that provide care for children with an open child welfare case.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1363 <u>Child support commission - child support enforcement - appropriation.</u> The act implements several recommendations from the child support commission, including:

- Authorizing a county delegate child support enforcement unit (county CSEU) to file a notice of withdrawal in any proceeding in which they are a party when the county CSEU case is closed;
- Authorizing a county CSEU to produce, issue, and serve a subpoena to compel a party in a juvenile case to provide a genetic test sample for purposes of determining paternity;
- Clarifying terms in child support enforcement statutes, including "administrative process action" or "APA", "APA-respondent", and "APA-petitioner";
- Establishing parameters for negotiation conferences to establish a child support obligation and parameters for missing such a scheduled conference;
- Allowing an APA-respondent to opt out of an administrative process action and request, in writing, a court hearing;
- Establishing timelines and guidelines for service of notice of financial responsibility;
- Clarifying the requirements allowing a court to issue an order of default;
- Establishing requirements for filing genetic testing results with the court;
- Requiring a party to an administrative process action that retains legal counsel to provide written notice of such legal counsel, or termination of legal counsel, to the county CSEU;
- Establishing the rights and duties of all parties to an administrative process action case; and
- Setting forth procedures for requesting a court hearing or transfer of jurisdiction or entering a default order of modification.

The act requires the participation of county CSEUs and insurance companies in the child support insurance lien network data match, establishes the child support insurance lien fund (fund), and authorizes payments into the fund from fees collected by the state child support enforcement agency in its efforts to attach insurance claim payments, awards, and settlements.

The act appropriates \$122,996 from the child support insurance lien fund to the department of human services for use by the office of self sufficiency for child support enforcement.

APPROVED by Governor June 6, 2018

PORTIONS EFFECTIVE August 8, 2018

PORTIONS EFFECTIVE July 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1364 <u>Colorado advisory council for persons with disabilities - reauthorization - administration - appropriation.</u> The act continues the Colorado advisory council for persons with disabilities (council), but transfers it from the office of the governor to the department of human services (department). The makeup of the council is decreased from no more than 20 members to a total of 10 members, 3 of whom are nonvoting members. The newly appointed council shall convene its first meeting on or before August 1, 2018, and meet quarterly thereafter. The department is authorized to provide staff support to the council. The powers and duties of the council are expanded and articulated.

On or before October 1, 2018, the department shall designate, from interested applicants, a Colorado nonprofit organization (nonprofit) to perform the duties and responsibilities of the disabled parking education program that, under current law, is under the purview of the council. On or before December 1, 2019, the council shall make a recommendation to the department concerning whether or not to contract with the nonprofit to administer the disabled parking program for an addition year or to return the duties to the council.

The council is scheduled for a sunset review prior to repeal in September 2023.

The act appropriates \$250,000 to the department for use in implementing the act.

APPROVED by Governor May 30, 2018

EFFECTIVE July 1, 2018

H.B. 18-1411 Fingerprint-based background checks - employees who have contact with <u>vulnerable persons</u>. Current law requires employees of the department of human services (department) and independent contractors with the department (employees) who have or will have direct contact with vulnerable persons to undergo a fingerprint-based criminal history record check (background check) in order to work in a facility operated by or licensed by the department. Current law also requires employees or operators of licensed child care facilities or child placement agencies to undergo a background check. Employees or operators of licensed child care facilities that are under contract with the department must obtain 2 separate background checks, one pursuant to the Colorado human services code, title 26, Colorado Revised Statutes, and one pursuant to the behavioral health statutes in title 27, Colorado Revised Statutes.

The act adds language to statute that allows for a single background check for such employees who have or will have direct contact with vulnerable persons, reducing redundancy for such employees.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

INSURANCE

S.B. 18-125 <u>Title insurance - fiduciary funds - rule-making authority.</u> The act specifies that a title insurance entity and its affiliates and subsidiaries hold funds belonging to others in a fiduciary capacity. Fiduciary funds include all funds received in conjunction with a real estate closing except for closing and settlement service fees. The commissioner of insurance shall promulgate rules regarding the handling of fiduciary funds.</u>

APPROVED by Governor March 29, 2018

EFFECTIVE March 29, 2018

S.B. 18-132 <u>Catastrophic health plans - application for state innovation waiver contingent on actuarial analysis - if waiver approved limitations apply and rules and reporting required - repeal dates - appropriation.</u> The act requires the commissioner of insurance to conduct an actuarial analysis to determine if the sale of catastrophic health plans to Colorado residents 30 years of age and older and to those who do not meet a hardship requirement would result in a reduction in advanced premium tax credits received by Colorado residents or increase the average premiums of individual health plans. If the actuarial analysis demonstrates that the total amount of advanced premium tax credits would not decline, the commissioner shall apply to the secretary of the United States department of health plans offered through the Colorado health benefit exchange to individuals under the age of 30 or meeting a hardship requirement. Catastrophic health plans under an approved waiver must only be sold through the health benefit exchange and would not be eligible for advanced premium tax credits. If the waiver is denied, the statutory section is repealed on the date the revisor of statutes is notified of the denial. If the waiver is approved, the law is repealed January 1, 2023.

The act appropriates \$9,200 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance for personal services.

APPROVED by Governor May 3, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-136 <u>Health insurance - producer and broker fees - disclosure to client - rules.</u> The act allows an insurance producer or broker advising a client on individual health benefit plans to charge the client a fee if the producer or broker does not receive a commission related to the individual health benefit plan selected by the client, but only if the producer or broker discloses the fee to the client in writing. The commissioner of insurance shall promulgate rules regarding how the producer or broker must provide the fee disclosure.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

2018 DIGEST

INSURANCE

H.B. 18-1012 <u>Vision care plans - prohibited contract provisions - enforcement by the commissioner of insurance</u>. The act prohibits a carrier or entity that offers a vision care plan from requiring an eye care provider with whom the carrier or entity contracts to:

- Provide services or materials to a covered person at a fee set by, or subject to the approval of, the carrier or entity unless certain conditions are met;
- Charge a covered person for noncovered services or noncovered materials in any amount less than the usual and customary amount that the eye care provider charges individuals who do not have coverage for such materials and services; or
- Participate, as a condition of participation in a vision plan, in any of the carrier's or entity's other vision plan networks.

The act prohibits a carrier or entity from changing the terms of a contract between the carrier or entity and an eye care provider without communication with the eye care provider.

The act requires the commissioner of insurance to institute a corrective action plan or use any of the commissioner's enforcement powers against a carrier or entity that is not in compliance with the above requirements.

APPROVED by Governor March 29, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1112 <u>Health benefit plans - mandatory coverage for services provided by a pharmacist.</u> The act requires a health benefit plan to provide coverage for health care services provided by a pharmacist if:

- The services are provided within a health professional shortage area;
- The health benefit plan provides coverage for the same services provided by a licensed physician or advanced practice nurse; and
- Other conditions specified in current law are met.

APPROVED by Governor April 9, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1148 <u>Health insurance - step-therapy prohibition - stage four cancer</u>. The act prohibits a carrier that issues a health benefit plan that covers treatment for stage four advanced metastatic cancer from requiring a cancer patient to undergo step therapy prior to receiving a drug approved by the United States food and drug administration if use of the approved drug is consistent with best practices for treatment of the cancer and as long as the

drug is on the carrier's prescription drug formulary.

APPROVED by Governor April 9, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1284 <u>Carriers - pharmacy benefit management firms - contracts with pharmacies and pharmacists - prohibitions against disallowing cost-sharing measures.</u> The act prohibits a carrier that has a contract with a pharmacy or pharmacist, or a pharmacy benefit management firm acting on behalf of a carrier, from:

- Prohibiting a pharmacy or pharmacist from, or penalizing a pharmacy or pharmacist for, providing a covered person information on the amount of the covered person's cost share for the covered person's prescription drug and the clinical efficacy of any more affordable alternative drugs that are therapeutically equivalent; or
- Requiring a pharmacy to charge or collect a copayment from a covered person that exceeds the total submitted charges by the network pharmacy.

The act requires the commissioner of insurance to act when the commissioner determines that a carrier or pharmacy benefit management firm has engaged in the prohibited conduct.

APPROVED by Governor April 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

LABOR AND INDUSTRY

S.B. 18-82 <u>Physicians - covenants not to compete - exception to enforceability - continued</u> <u>treatment of patients with rare disorders.</u> An agreement among physicians may contain a covenant not to compete, under which a physician who leaves the group practice may be compelled to pay damages if he or she solicits patients who are former or prospective patients of the group practice. The act makes an exception in the case of patients with a rare disorder, as determined in accordance with nationally recognized criteria, to whom the physician was previously providing consultation or treatment.

APPROVED by Governor April 2, 2018

EFFECTIVE April 2, 2018

S.B. 18-167 <u>Underground facilities - underground damage prevention safety commission - creation - enforcement authority - appropriation.</u> Current law requires a person, before conducting an excavation, to contact a nonprofit notification association (consisting of all owners and operators of underground facilities) by dialing "811" to learn the location of underground facilities in the excavation project area. The owners and operators must then accurately mark the location of their facilities. Violations of the excavation damage prevention law are enforced exclusively through civil actions initiated by damaged parties to collect specified civil penalties and damages. In 2016, the United States department of transportation's pipeline and hazardous materials safety administration (PHMSA) conducted an adequacy evaluation of Colorado's enforcement of its excavation damage prevention law and determined that the enforcement is inadequate, which may eventually result in the withholding of federal funds from Colorado.

The act creates the underground damage prevention safety commission (commission) as an independent agency within the department of labor and employment. The commission has rule-making and enforcement authority regarding specified portions of the excavation damage prevention law and is required to enter into a memorandum of understanding with the notification association to facilitate implementation and administration of the law. The notification association is required to provide administrative support to the commission in performing its duties.

A review committee of the commission initially determines whether a violation of the law has occurred and, if appropriate, recommends remedial action, potentially including a fine. Fines range from \$250 for a single minor violation within the previous 12 months to \$75,000 for a fourth major violation within the previous 12 months. The full commission is bound by the review committee's determination of facts but determines the final agency action regarding alleged violations. Fines are credited to the damage prevention fund, which the commission will use to develop educational programming, including by making grants, that is designed to improve worker and public safety relating to excavation and underground facilities.

Current law allows only an excavator to submit a location request to the notification association. The act authorizes a licensed professional engineer designing excavation to submit a location request. The engineer is required to ensure that the engineering plans meet certain standards established by the American Society of Civil Engineers for defining the accuracy of an underground facility location. Current law creates 2 tiers of membership in the notification association. Tier 2 members are limited members with limited benefits and include certain special districts, local governments, cable television providers, and small telecommunications providers; tier 1 members are full members with full benefits, and tier 1 consists of all other owners and operators. If, after receiving a location request, the notification association determines that a tier 1 member owns or operates the underground facilities, the notification association contacts the tier 1 member to arrange for the marking of the underground facilities. If a tier 2 member owns or operates the underground facilities, the excavator must contact the tier 2 member to arrange for the marking of the underground facilities. Effective January 1, 2021, all underground facility owners and operators are full members of the notification association with full benefits, and excavators will no longer need to contact the owners or operators to arrange for the marking.

All new underground facilities installed on or after January 1, 2020, must be electronically locatable when installed. Home rule local governments and power authorities are not subject to the commission's enforcement authority, but the governing body of a home rule local government or power authority is required to either adopt a similar enforceable damage prevention safety program or waive its exemption and delegate its damage prevention enforcement authority to the commission.

Information regarding the location of underground facilities is exempt from the "Colorado Open Records Act", pursuant to the existing exemption for specialized details of critical infrastructure.

The commission is subject to sunset review in 2028. \$81,841 and 0.8 FTE is appropriated to the department of labor and employment from the general fund to implement the act.

APPROVED by Governor May 25, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-178 Independent operators of commercial vehicles - occupational accident insurance policy - similar coverage. Current law requires independent operators of commercial vehicles to have workers' compensation or a private insurance policy that provides similar coverage. The act changes "private insurance policy" to "occupational accident insurance policy" and specifies the requirements for when such a policy may be considered as providing similar coverage.

The act requires the commissioner of insurance to promulgate rules establishing the minimum coverages for benefits under an occupational accident coverage insurance policy.

APPROVED by Governor May 4, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1303 <u>Colorado employment security act - employment definition - exemption - nonprofit youth sports organization coach services - independent contractors.</u> The act exempts services performed by nonprofit youth sports organization coaches from the definition of "employment" under the "Colorado Employment Security Act" if there is a written agreement between the coach and the organization that meets certain requirements, including a statement that the coach is an independent contractor. The organization may not control the means or methods by which the coach provides coaching services, nor may the organization terminate the coach except for breach of contract or noncompliance with the requirements are satisfied, then the coach will be considered an independent contractor for purposes of the act.</u>

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1308 <u>Workers' compensation - temporary workers from outside Colorado - exemption.</u> The act establishes an exemption from the "Workers' Compensation Act of Colorado" for an out-of-state employer whose employees are working in Colorado on a temporary basis as long as:

- The out-of-state employer furnishes coverage under the workers' compensation laws of the state in which the employee is regularly employed, which coverage applies to the employee while working temporarily in Colorado; and
- The out-of-state employer's home state is contiguous to Colorado, recognizes the exemption, and provides a reciprocal exemption for Colorado employees temporarily working in that state.

The home state's workers' compensation laws are the sole remedy for an out-of-state worker who is injured while working temporarily in Colorado.

The division of workers' compensation in the department of labor and employment is authorized to enter into an agreement with a contiguous state to carry out the extraterritorial application of the workers' compensation or similar law of the other state.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

H.B. 18-1316 WORK grant program - extension - funding - grant award deadlines - appointments to WORK grant review committee - report deadline - appropriation. The act modifies the skilled worker, outreach, recruitment, and key training (WORK) grant program, which is a program administered by the department of labor and employment (department) that provides matching grants to eligible public or private entities or organizations that provide skilled worker training programs in partnership with industry, as follows:

- Extends the WORK grant program for 3 fiscal years;
- Specifies deadlines for the department to award and issue matching grants to

recipients;

- Requires the department to develop an expedited application process for eligible applicants;
- Specifies that the state work force development council (council), rather than the governor, is to appoint members to the WORK grant review committee;
- Authorizes the executive committee of the council to make grant award determinations;
- Requires the WORK grant review committee to submit its annual report to the general assembly by December 31 instead of by May 1 and to include the report as part of the Colorado talent pipeline report;
- Requires the general assembly to appropriate an additional \$7.6 million for the WORK grant program for the 2018-19, 2019-20, and 2020-21 fiscal years, with not more than \$3.3 million in any fiscal year; specifies how the money available for matching grants must be allocated, to the extent possible; and allows the department to expend in the next fiscal year, without further appropriation, money that was not expended or encumbered in the fiscal year for which it was appropriated.

\$1,000,000 is appropriated from the general fund to the WORK grant program fund and is further appropriated to the department for the WORK grant program.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

H.B. 18-1343 <u>Colorado veterans' service-to-career program - expansion - program effectiveness evaluation methodology - repeal - appropriation.</u> The act continues the existing pilot program that assists veterans, veterans' spouses, and other eligible participants in obtaining employment and support services. In addition, the act:

- Includes funding for the current pilot program and the expanded program;
- Adds persons who may participate in the program and addresses veterans who have barriers to employment; and
- Requires the department of labor and employment (department) to develop an evaluation methodology to measure program effectiveness. The program is repealed January 1, 2024.

\$1,000,000 is appropriated from the marijuana tax cash fund to the department for use by the division of employment and training.

APPROVED by Governor May 24, 2018

EFFECTIVE July 1, 2018

MILITARY AND VETERANS

S.B. 18-135 <u>Colorado code of military justice - updates.</u> The act makes the following changes to the Colorado code of military justice (code):

- Updates the terminology used in the code to reflect current use;
- Clarifies the applicability of the code relating to persons serving pursuant to federal law;
- Authorizes commanding officers to arrest any enlisted member and impose certain disciplinary punishments without the intervention of a court-martial and clarifies those punishments and who may impose them;
- Describes the punishments that may be imposed by general, special, and summary courts-martial;
- Removes a person's ability to refuse trial by summary court-martial;
- Authorizes the assistant adjutant general for the space, cyber, and missile defense for the Colorado National Guard; the land component commander for the Colorado Army National Guard; or the wing commander for the Colorado Air National Guard to convene a general court-martial;
- Authorizes certain officers to convene a special court-martial;
- Permits a military judge to be detailed to a court-martial irrespective of military branch;
- Requires counsel in general or special courts-martial to be appointed as judge advocates;
- Classifies as felonies offenses for which an accused may be convicted by general court-martial of an offense that carries a maximum penalty of 3 years or more of confinement, or for which the accused received a sentence of greater than one year confinement. A conviction by summary court-martial is not a criminal conviction. All other military offenses are misdemeanors.
- Requires service of a sentence to confinement to be deferred pending an appeal;
- Authorizes the state to appeal certain decisions in a court-martial and prohibits the state from appealing a finding of "not guilty" by a court-martial or trial by military judge only. The act describes the process for the state to file an appeal.
- Makes changes to the applicability of, and sentences for violating, existing offenses in the code to make it consistent with the uniform code of military justice;
- Creates an offense related to the possession and use of controlled substances;
- Establishes a process by which a member of the military forces may make a complaint against a commanding officer; and
- Requires certain persons already required to be members of the Colorado state bar to be members in good standing.

APPROVED by Governor April 2, 2018

EFFECTIVE April 2, 2018

H.B. 18-1337 <u>Grand Junction veterans one-stop center - appropriation</u>. On and after November 1, 2018, the division of veterans affairs in the department of military and veterans affairs (department) may operate a veterans one-stop center in Grand Junction for the purpose of providing a central and accessible location where veterans, service members, and their family members in the western portion of the state may have access to assistance and

resources.

The veterans one-stop center in Grand Junction is repealed, effective September 1, 2023. Before its repeal, the department of regulatory agencies shall review the veterans one-stop center.

The act appropriates \$123,465 to the department for the one-stop center.

APPROVED by Governor April 30, 2018

EFFECTIVE April 30, 2018

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 18-28 <u>Taxes - license plates - mounting requirements.</u> The act repeals a requirement that each license plate be at the approximate center of a motor vehicle and at least 12 inches from the ground. This requirement is replaced with a requirement that the front license plate be mounted horizontally on the front in the location designated by the manufacturer.

APPROVED by Governor March 29, 2018 EFFECTIVE March 29, 2018

S.B. 18-46 Taxes - special license plates - fees. Several statutes require a person to donate to a nonprofit organization to qualify for a special license plate. The fee is sometimes set in statute, and sometimes the fee is limited by statute. The act authorizes the organization to increase by \$10 the minimum donation for the issuance of the plate. Beginning July 1, 2019, this amount may be adjusted annually for inflation.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-73 <u>Certificates of title - notice of transfer of ownership.</u> The act creates a voluntary program administered by the department of revenue (department) that authorizes the owner of a motor vehicle to report a transfer of ownership of the motor vehicle. If the previous owner reports the transfer to the department, the previous owner has limited liability for the misuse of the vehicle. The department will notify motor vehicle owners of the option to report a transfer of ownership by placing a notice on registration renewal information and the title and by notifying the public. The act also clarifies that the protection against liability does not apply to the owner for liability arising from the act of selling the vehicle.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-102 <u>Issuance of a certificate of title - registration - vehicle identification verification</u> <u>- odometer reading.</u> **Statutory Revision Committee.** The act repeals a requirement for an odometer reading during a physical inspection of a motor vehicle's identification number when a motor vehicle is being titled or registered.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

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MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 18-108 <u>Identification documents - noncitizens - issuance, renewal, and replacement - appropriation.</u> Under preexisting law, a person who is not lawfully present in the United States may obtain a driver's license or identification card if, among other requirements, the person presents a taxpayer identification card.

The act allows:

- A person to present a social security number as an alternative to a taxpayer identification card;
- The license or identification card to be reissued or renewed in accordance with the process used for other licenses and identification cards; and
- A person whose license is lost or stolen to obtain a replacement without renewing the license.

\$108,992 is appropriated to the department of revenue from the licensing services cash fund to implement the act.

APPROVED by Governor May 29, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-144 Regulation of bicycles approaching intersections - adoption of local ordinance allowing bicyclists to proceed through stop signs and stop lights without stopping - ordinances adopted before the act remain valid. The act permits a municipality or county to regulate the operation of bicycles approaching intersections with stop signs or illuminated red traffic control signals. Under a local regulation, a bicyclist approaching a stop sign must slow to a reasonable speed and, when safe to do so, may proceed through the intersection without stopping. A bicyclist approaching an illuminated red traffic control signal must stop at the intersection and, when safe to do so, may proceed through the intersection. The act sets the reasonable speed limit at 15 miles per hour. However, a municipality or county may lower the reasonable speed to 10 miles per hour or raise the limit to 20 miles per hour at any individual intersection. If the local government sets a lower or higher reasonable speed limit, the local government must post signage indicating that speed limit at the intersection. If the municipality or county adopts an ordinance or resolution pursuant to the act, it must be consistent with the act. An ordinance adopted before May 3, 2018, that similarly regulates bicycles remains valid. The adoption of a local ordinance does not diminish or alter the authority of the department of transportation or state transportation commission to regulate motor vehicles on the state highway system.

APPROVED by Governor May 3, 2018

EFFECTIVE May 3, 2018

S.B. 18-183 Department of revenue - owner and lienholder records - electronic access - agents of insurers. Current law authorizes the creation and maintenance of an electronic system that vehicle towers, insurers, and salvage pools may use to access motor vehicle title

records if the vehicle is insured or possessed by those entities. The act allows an agent of an insurer to use the system in the same circumstances.

APPROVED by Governor April 12, 2018

EFFECTIVE April 12, 2018

S.B. 18-253 Department of revenue - Colorado state titling and registration account - uniform transition date to Colorado DRIVES vehicle services account. The act establishes a uniform date of July 1, 2019, to transition the department of revenue's Colorado state titling and registration account to the department of revenue's DRIVES vehicle services account. The act also delays for one year the corresponding statutory repeal dates.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

S.B. 18-255 <u>Certificates of title - electronic documents and signatures.</u> Preexisting law provides that a motor vehicle record may not be denied effect merely because it is electronic. The act clarifies that this applies to documents needed to obtain a certificate of title and electronic signatures. The act also clarifies that a written power of attorney is not needed merely because a record, document, or signature is in an electronic form.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1018 <u>Commercial driver's licenses - human trafficking training.</u> The act requires that the training to obtain a commercial driver's license to drive a combination vehicle contain education to prevent human trafficking if the training is conducted in a driving school.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1042 <u>Taxation - expedited registration program - private provider - appropriation.</u> The act creates the expedited registration program. The program authorizes the department of revenue (department) to promulgate rules authorizing private providers to register interstate commercial vehicles.

The act requires the program to:

- Operate efficiently;
- Result in overall cost savings to the state by providing additional services or by increasing the speed or quality of service; and
- Register commercial vehicles and collect taxes and fees in compliance with state law.

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To qualify, a private provider must:

- Be approved by the department;
- Use appropriate software approved by the department; and
- Submit evidence of financial responsibility.

A provider may collect and retain a convenience fee. The department may deny, suspend, or revoke the authority of a provider if the provider violates the law, makes a material misstatement in an application, or fails to perform.

To implement the act, the annual general appropriation to the department for driver services is decreased by \$30,747; \$25,471 is appropriated to the department from the general fund; and \$26,141 is appropriated to the department from the general fund.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1191 Local authorities - altering speed limits - residential neighborhoods - <u>permissive factors to consider</u>. In addition to conducting the traffic investigation or survey already required, the act allows a county or municipal authority to consider the following factors before increasing or decreasing speed limits for residential neighborhoods within the authority's jurisdiction:

- Road characteristics;
- Current and future development;
- Environmental factors;
- Parking practices;
- Pedestrian and bicycle activity in the vicinity; and
- Crash statistics from the most recent year.

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1240 <u>Automobile theft prevention authority - board - continuation under sunset law.</u> The act continues the automobile theft prevention authority and the automobile theft prevention board until 2029 pursuant to the sunset law.

APPROVED by Governor May 4, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

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H.B. 18-1244 <u>Registration - special license plates - submarine service.</u> The act creates the submarine service license plate for people who have been honorably discharged or retired or who are active or reserve members of the United States Navy submarine service. In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One fee is credited to the highway users tax fund and the other to a fund that provides licensing services.

APPROVED by Governor June 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1255 <u>Registration - special license plate - childhood cancer awareness - appropriation.</u> The act creates the childhood cancer awareness special license plate. A person may apply for the plate by providing a certificate confirming that he or she has made a donation to an organization designated by the department of revenue that assists children with cancer or provides money for pediatric cancer research.

In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

\$8,288 is appropriated to the department of revenue from the license plate cash fund to implement the act.

APPROVED by Governor May 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1275 <u>Taxation - special license plates - Craig hospital - donations.</u> Current law requires an applicant to make a donation to Craig hospital in order to be issued a special Craig hospital license plate. The act repeals the \$20 donation requirement.

APPROVED by Governor April 26, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1285 <u>Identifying placard for persons with disabilities - remuneration-exempt parking</u> - <u>creation and qualifications - appropriation</u>. The act creates a remuneration-exempt identifying placard that exempts an individual with a disability from paying for parking if the disability limits the individual's:

- Fine motor control in both hands;
- Ability to reach a height of 48 inches from the ground due to lack of finger, hand, or upper extremity strength or mobility; or

• Ability to reach or access a parking meter due to the use of a wheelchair or other ambulatory device.

\$9,870 is appropriated to the department of revenue from the general fund for use by the division of motor vehicles to order license plates to implement the act.

APPROVED by Governor May 29, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1296 <u>Unattended motor vehicles.</u> The act allows a person to leave a motor vehicle unattended while the engine is running if a remote starter system is used or adequate security measures are in place.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1299 <u>Registration - certificates of title - electronic processing of registrations, liens, and titles - appropriation.</u> The act creates a framework for the department of revenue to establish electronic processing for issuing certificates of title, filing or releasing liens, or registering vehicles and special mobile machinery. This is subject to the department promulgating rules covering the following:

- County clerks continue to receive registration fees;
- The department may maintain titling information electronically and may produce paper titles only upon request of a party;
- The department may accept electronic signatures;
- Notarization requirements are eliminated;
- Vendors are authorized to electronically register vehicles;
- A vendor may order, manage, and distribute license plate inventory to a client;
- A vendor may access, print, and distribute the registration information to a client on demand; and
- A vendor is an agent of the department, so the vendor must collect and remit taxes and fees.

The department's approval of a third-party provider to register a vehicle, file or release liens, or issue any type of certificate of title must be evidenced by an agreement between the department and the third-party provider. The vendor may charge a fee. A vendor is authorized to give the department gifts, grants, and donations to implement electronic transactions.

The department may deny a person access to records for misuse and shall ensure that addresses of people in the address protection program are not released.

Preexisting law prohibits denying legal effect or enforceability of an electronic document to issue a certificate of title. The act expands this provision to cover vehicle registration, clarifies that this includes electronic signatures, and clarifies that this applies to a court of law.

Tow carriers, insurers, and salvage pools use an electronic system to access department records to ascertain the motor vehicle's owner and lienholder. The act allows motor vehicle dealers and other businesses approved by the department to use the same system to determine a motor vehicle's owner and lienholder.

Preexisting law requires the owner of a new motor vehicle to provide a manufacturer's certificate of origin to obtain a certificate of title for the vehicle. The act allows a motor vehicle rental company to obtain title without a manufacturer's certificate of origin if the company:

- Presents a manufacturer's invoice; and
- Submits a signed affidavit attesting that the motor vehicle is new and has not been issued a certificate of title and that the business is entitled to be issued a certificate of title for the motor vehicle.

\$1,187,502 is appropriated to the department of revenue from gifts, grants, and donations in the highway users tax fund to implement the act.

APPROVED by Governor May 29, 2018

EFFECTIVE July 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1361 <u>License plates - Vietnam war veteran special license plate - eligibility</u> <u>extension.</u> The act extends the end date to be eligible for a veteran of the Vietnam war special license plate from January 27, 1973, to May 7, 1975.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1362 <u>Colorado task force on drunk and impaired driving - composition - increased</u> <u>membership.</u> The act adds 3 members to the Colorado task force on drunk and impaired driving. The executive director of the department of transportation, or the director's designee, shall appoint a community-based representative from the substance use disorder prevention field and a representative from the retail or medical marijuana industry who is an owner or manager of a retail dispensary. The executive director of the department of revenue, or the director's designee, shall appoint a representative from the marijuana enforcement division.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

NATURAL RESOURCES

S.B. 18-143 Parks and wildlife - wildlife license and park pass fee increases - reporting on uses of increased fees - rules - means of displaying park passes. Section 6 of the act raises the amount of residential and nonresidential license fees, stamp fees, and surcharges for certain hunting and fishing activities. Section 6 also: Authorizes the parks and wildlife commission to apply a consumer price index adjustment to hunting and fishing fees; establishes an annual residential youth fishing fee; and, together with section 7, moves a reference to the state migratory waterfowl stamp fee amount.

Section 7 also allows the division of parks and wildlife to grant up to 25% of the money derived from sales of the state migratory waterfowl stamp to nonprofit organizations implementing the North American waterfowl management plan.

Section 8 authorizes the commission to establish by rule a special licensing program for young adult hunters and anglers.

Section 10 requires the division to prepare annual reports on increased licensing fees and to present the reports to the agricultural committees in the house of representatives and the senate.

Section 11 removes the restriction on the commission's ability to raise or lower park fees and charges only if the commission reasonably anticipates that the annual revenues from the fees and charges will not increase by more than 20% above the annual amount earned from fees and charges as they existed on July 1, 2011. Section 11 also establishes a maximum fee increase that the commission may impose by rule for park passes in any one year as a \$1 increase for a daily park pass and a \$10 increase for an annual park pass.

Section 13 removes the \$200,000 limitation on the amount that may be held in the stores revolving fund, which fund is maintained for acquiring stock for warehousing and distributing supplies for retail sales to visitors, and continuously appropriates the fund to the division.

Section 14 removes the \$5 cap on the fee that the division may charge a person to replace a lost or destroyed pass or registration. The fee may be set by the commission by rule in an amount up to 50% of the cost of the original pass or registration.

Sections 15 removes a requirement that an aspen leaf annual park pass be affixed to the vehicle for which the pass was issued.

Section 16 directs the commission to determine, by rule, how the columbine annual park pass will be displayed to enter a state park or recreation area.

Section 17 authorizes the commission to establish fees by rule for daily and annual passes for individuals entering state parks or state recreation areas by means other than by motor vehicle.

APPROVED by Governor May 4, 2018 EFFECTIVE August 8, 2018 NOTE: This act was passed without a safety clause. For further explanation concerning the

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NATURAL RESOURCES

effective date, see page vi of this digest.

S.B. 18-184 <u>Construction materials mining - limited impact permits - one-time activities.</u> Section 1 of the act creates a new class of limited impact construction materials permits for one-time activities that produce construction materials as a by-product and are not intended to be ongoing mining operations. Section 2 authorizes an application fee of \$400 for the permit and an annual fee of \$200.

APPROVED by Governor April 12, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-230 <u>Oil and gas - statutory pooling - nonconsenting owners.</u> Current law authorizes "forced" or "statutory" pooling, a process by which any interested person-typically an oil and gas operator-may apply to the Colorado oil and gas conservation commission (commission) for an order to pool oil and gas resources located within a particularly identified drilling unit. After giving notice to interested parties and holding a hearing, the commission can adopt an order to require an owner of oil and gas resources within the drilling unit who has not consented to the application (nonconsenting owner) to allow an oil and gas operator to produce the oil and gas within the drilling unit notwithstanding the owner's lack of consent.</u>

The act clarifies that an order entered by the commission establishing a drilling unit may authorize more than one well. The order must specify that a nonconsenting owner is immune from liability for costs arising from spills, releases, damage, or injury resulting from oil and gas operations on the drilling unit.

Current law prohibits entry of a pooling order until the mineral rights owners have been given a reasonable offer to lease their rights. The act specifies that the offer must be given at least 60 days before the hearing on the order and must include a copy of or link to a brochure supplied by the commission that clearly and concisely describes the pooling procedures and the mineral owner's options pursuant to those procedures.

APPROVED by Governor June 1, 2018

EFFECTIVE July 1, 2018

H.B. 18-1008 Parks and wildlife - aquatic nuisance species - fees - increased penalties - reimbursement for decontamination - single fund created. Section 3 of the act updates a legislative declaration concerning aquatic nuisance species to encourage the federal government to dedicate sufficient funding and resources to the detection, prevention, control, and eradication of aquatic nuisance species for federally owned or managed aquatic resources and water infrastructure in Colorado.

Section 4 defines "motorboat" and "sailboat".

Section 5 authorizes the division of parks and wildlife to seek reimbursement from a conveyance owner (*i.e.*, motor vehicles, trailers, and watercraft) for the storage and

decontamination of a conveyance that has been impounded and quarantined due to the suspected presence of an aquatic nuisance species.

Section 6 requires an in-state resident registering a motorboat or sailboat in Colorado for use on or after January 1, 2019, to pay a \$25 fee for an aquatic nuisance species stamp in addition to the watercraft registration fee. A nonresident using a motorboat or sailboat in waters of the state on or after January 1, 2019, is required to pay a \$50 fee for an aquatic nuisance species stamp.

Section 7 increases penalties related to aquatic nuisance species and creates new penalties for failing to purchase an aquatic nuisance species stamp; failing to comply with a qualified peace officer's or an authorized agent's request to stop, detain, and inspect a vessel; and launching a vessel without first obtaining a vessel inspection at an aquatic nuisance species check station.

Section 8 combines the division of parks and outdoor recreation aquatic nuisance species fund and the division of wildlife aquatic nuisance species fund into a single fund: The division of parks and wildlife aquatic nuisance species fund.

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1098 Oil and gas conservation and environmental response fund - environmental response account - year-end balance. Under current practice, expenditures by the Colorado oil and gas conservation commission to address the mitigation of adverse environmental impacts of oil and gas operations are paid from the environmental response account of the oil and gas conservation and environmental response fund, and the year-end balance of the account transfers into the fund. The act specifies that the year-end balance of the account remains in the account.

APPROVED by Governor April 9, 2018

EFFECTIVE April 9, 2018

H.B. 18-1103 Off-highway vehicles - local government regulation - division of parks and wildlife. The act clarifies that when an off-highway vehicle is being driven on a street, road, or highway within a local government's jurisdiction, the local government does not violate state rules if it:

- Requires occupants to wear seat belts if the vehicle is designed to use them;
- Requires the use of a child restraint system if the vehicle was designed for it;
- Requires the use of eye protection for all occupants;
- Requires the use of a helmet for occupants under the age of 18; or
- Limits the number of occupants to the number that the off-highway vehicle was designed by the manufacturer to hold plus one aftermarket seat if it is properly installed and does not extend outside the roll cage, and limits the number of occupants to 2 for all-terrain vehicles or motorcycles.

These provisions apply when a person is driving an off-highway vehicle only on a road that has been opened to off-highway vehicle use by the local government or when crossing streets, railroad tracks, bridges, or culverts. A local government may require a driver's license or liability insurance when crossing streets, railroad tracks, bridges, or culverts.

APPROVED by Governor March 29, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1139 Parks and wildlife commission - rules - fee-setting - repeal of obsolete provisions. Statutory Revision Committee. The act removes obsolete references to a statutory subsection that was repealed on September 1, 2017. Because the repealed statutory subsection concerned the manner in which the parks and wildlife commission sets fees by rule, the act replaces the obsolete references with references to the parks and wildlife commission's fee-setting rules.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1147 Weather modification - regulation - permits - continuation under sunset law. The act extends the termination date of the regulation of people who modify the weather until 2033 pursuant to the sunset law. It also repeals a provision that prohibits weather modification that affects another state.

APPROVED by Governor April 26, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 18-165 <u>Public administrators - bonds - filing requirements.</u> The amount of bond public administrators are required to maintain is increased from \$25,000 to \$100,000. Statements of account for small estates filed by public administrators must include information about the public administrator's costs and fees. The annual reports that must be filed by public administrators with their appointing court must be done on a standard form directed by the chief justice of the Colorado supreme court. Appointing courts may require additional information not included on the standard form. Deputy public administrators are subject to the same statutory requirements as public administrators, including the bond requirement.</u>

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-180 <u>Colorado Uniform Trust Code.</u> Under current law, the administration of trusts is generally governed by certain provisions within the probate code. The act repeals many of these provisions and creates a new Colorado uniform trust code (code) outside the probate code to address trust administration. The new code includes provisions concerning:

- Judicial proceedings;
- Representation;
- Creation, validity, modification, and termination of trusts;
- Duties and powers of trustees; and
- Liabilities of trustees and rights of persons dealing with trustees.

The act also makes conforming amendments to acknowledge the repeal of certain statutory provisions.

APPROVED by Governor April 26, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PROFESSIONS AND OCCUPATIONS

S.B. 18-20 <u>Registered psychotherapists - acudetox.</u> The act allows registered psychotherapists who have documented that they have undergone acudetox training requirements to perform auricular acudetox.

APPROVED by Governor March 22, 2018 EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-22 <u>Health care practitioners - prescriptive authority - opioids - prescribing restrictions</u> - required use of prescription drug monitoring program - report - repeal. The act restricts the number of opioid pills that a health care practitioner, including physicians, physician assistants, advanced practice nurses, dentists, optometrists, podiatrists, and veterinarians, may prescribe for an initial prescription to a 7-day supply and allows each health care practitioner to exercise discretion to include a second fill for a 7-day supply. The limit on initial prescribing does not apply if, in the judgment of the health care practitioner, the patient:

- Has chronic pain that typically lasts longer than 90 days or past the time of normal healing, as determined by the health care practitioner, or following transfer of care from another practitioner who prescribed an opioid to the patient;
- Has been diagnosed with cancer and is experiencing cancer-related pain; or
- Is experiencing post-surgical pain that, because of the nature of the procedure, is expected to last more than 14 days.

Additionally, a physician, a physician assistant, and an advanced practice nurse is not subject to the prescription limits if the patient is undergoing palliative or hospice care. The restrictions on opioid prescriptions repeal on September 1, 2021.

The act requires a health care practitioner to indicate his or her specialty or practice area upon making an initial query to the prescription drug monitoring program and to query the program prior to prescribing the second fill for an opioid unless the person receiving the prescription meets certain requirements.

The act requires the department of public health and environment to report to the general assembly its findings from studies regarding the prescription drug monitoring program conducted pursuant to a federal grant program. The act also requires the department to forward its findings to the center for research into substance use disorder prevention, treatment, and recovery support strategies at the university of Colorado health sciences center for training purposes.

APPROVED by Governor May 21, 2018

EFFECTIVE May 21, 2018

S.B. 18-27 <u>Enhanced Nurse Licensure Compact - appropriation.</u> The act repeals the current "Nurse Licensure Compact" and adopts the "Enhanced Nurse Licensure Compact".

The "Enhanced Nurse Licensure Compact" makes the following changes to the "Nurse Licensure Compact":

- Provides authority to each party state licensing board to obtain and submit criminal background checks for multistate nurse licensure candidates;
- Allows the Interstate Commission of Nurse Licensure Compact Administrators to adopt rules related to the compact; and
- Specifies the procedure for states to enter, withdraw from, or amend the compact.

To implement this act, \$336,009 is appropriated from the Colorado bureau of investigation identification unit fund to the department of public safety, \$134,746 is appropriated from the division of professions and occupations cash fund to the department of regulatory agencies, and \$93,773 is appropriated from reappropriated funds from the department of regulatory agencies to the department of law.

The repeal of the Nurse Licensure Compact as set forth in section 1 takes effect 180 days after January 18, 2018.

APPROVED by Governor January 18, 2018

EFFECTIVE January 18, 2018

S.B. 18-79 Liquor code - vinous liquor or wine - sake. The act classifies sake as a vinous liquor (wine) for the purposes of the "Colorado Liquor Code".

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-105 <u>Marijuana testing - certification.</u> House Bill 17-1367, concerning marijuana research authorization, required that a state, local, or municipal agency only employ or use the results of marijuana tests if the tests were conducted by an analytical laboratory that was both certified by the state marijuana enforcement division (MED) and accredited pursuant to the International Organization for Standardization/International Electrotechnical Commission standard (international standard). The requirement that an analytical laboratory be both certified by the MED and accredited pursuant to the international standard was an inadvertent error. The intent was that an analytical laboratory could either be certified by the MED or accredited pursuant to the international standard. The act changes the "and" to an "or" in order to effectuate the original intent.

APPROVED by Governor March 5, 2018

EFFECTIVE March 5, 2018

S.B. 18-124 <u>Alcohol beverages - notice of intent to import.</u> Current law requires a manufacturer or importer of imported alcohol beverages to file a statement and notice of

intent to import with the state licensing authority at least 30 days before the import or sale of the imported alcohol beverages. The act removes the 30-day waiting period requirement.

APPROVED by Governor March 7, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-172 Horse racing - authorize racing commission to promulgate rules regarding licensee testing for prohibited substances. The act adds the protection of all participants, human and animal, involved in horse racing to the responsibilities of the Colorado racing commission. The commission shall promulgate rules to ensure fair play, human and animal safety, and integrity in the sport of horse racing. The commission shall designate categories of licensees subject to for-cause or random testing to detect the presence of prohibited substances.

APPROVED by Governor April 12, 2018

S.B. 18-173 <u>Alcohol beverages - removal of partially consumed vinous liquor - availability of meals, sandwiches, and snacks.</u> The act clarifies that certain liquor licensees may allow a customer to reseal and remove from the licensed premises 1 opened container of partially consumed vinous liquor(s) if the licensee has meals or sandwiches and light snacks available for consumption on the licensed premises.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

EFFECTIVE April 12, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-187 <u>Marijuana waste - recycle - industrial fiber products.</u> The act gives the state licensing authority rule-making authority to address conditions under which a medical or retail marijuana licensee is authorized to transfer marijuana fibrous waste to a person for the purpose of producing only industrial fiber products.

APPROVED by Governor April 26, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-191 Limited gaming - state share - local government limited gaming impact fund - increase in transfer - definition of documented gaming impacts - use of gambling addiction account - appropriation. The Colorado constitution authorizes limited gaming in specific geographic areas of the state. There is a tax imposed on limited gaming, the rate of which is

set by the Colorado limited gaming control commission, but the constitution provides that the rate may not exceed 40% of the adjusted gross proceeds. The proceeds of the tax are credited to the limited gaming fund where the expenses of the commission are first paid and then the money is distributed 50% to the state share, 28% to the state historical fund, 12% to Gilpin and Teller counties, and 10% to the cities of Central, Black Hawk, and Cripple Creek.

The state share is transferred for various items, with the remainder being credited to the general fund, including \$5 million to the local government limited gaming impact fund. Of this fund, 98% is allocated to the limited gaming impact account and 2% is allocated to the gambling addiction account. This fund is administered by the department of local affairs and is used for grants to eligible local governmental entities for documented gaming impacts.

The act annually increases the amount of money credited to the limited gaming impact fund by an amount equal to the growth of the state share from the previous fiscal year, plus an amount equal to the projected direct and indirect costs to administer the local government limited gaming impact grant program.

The act also specifies that "documented gaming impacts" includes the provision of gambling addiction counseling, including prevention and education, to Colorado residents.

Of the 2% allocated to the gambling addiction account, for the 2018-19 and 2019-20 state fiscal years, \$100,000 is appropriated in each fiscal year as follows:

- \$50,000 to the department of local affairs to study and establish in policies and procedures what constitutes the "documented expenses, costs, and other impacts incurred directly as a result of limited gaming"; and
- \$50,000 to the department of human services to develop a plan for a successful gambling addiction program.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

S.B. 18-210 <u>Real estate appraisers - appraisal management companies - regulation in accordance with federal law.</u> The act amends the definition of "appraisal management company" to contain all of the elements specified in recent amendments to Title XI of the federal "Financial Institutions Reform, Recovery, and Enforcement Act of 1989" (FIRREA) and regulations adopted in furtherance of FIRREA. In addition, the act adds a definition of "appraiser panel" to include appraisers working as independent contractors. The state board of real estate appraisers is directed to:

- Maintain a separate list of appraisal management companies (AMCs) that have an appraiser panel larger than the federal jurisdictional threshold of 15 appraisers in Colorado or 25 appraisers in all states in which the company operates;
- Require that an AMC establish processes and controls to ensure compliance with the federal "Truth in Lending Act" and applicable federal regulations;
- Collect an annual registry fee from AMCs that operate as subsidiaries of federally regulated financial institutions; and
- Transmit the annual registry fee to the federal financial institutions

examinations council.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-219 Motor vehicle and powersports vehicle sales - manufacturers - dealers - warranty obligations. The act requires a manufacturer to compensate each of its motor vehicle or powersports vehicle dealers in accordance with a set of standards designed to reflect the current market rate for labor and the profit margin on parts the dealer can expect to obtain. Dealers must submit certain repair orders to the manufacturer as required by the act to establish compensation rates. Certain types of transactions are excluded from the calculation of the current market rates. The dealer may request a modification of rates from a manufacturer only once annually.

The manufacturer may contest the rates charged by the dealer if the rate is materially inaccurate or substantially different than the rates of other similarly situated same line-make dealers in the state. If the manufacturer does not contest the rates within 45 days, the amounts take effect. If the manufacturer timely contests the rates and the manufacturer and dealer cannot agree on the amount charged, the dealer may obtain a determination by a court or the executive director of the department of revenue.

A manufacturer is:

- Prohibited from establishing unreasonable flat-rate times for labor;
- Required to calculate the retail parts markup percentage from the dealer's wholesale cost for the part;
- Prohibited from establishing different part numbers for warranty repairs to pay the dealer lower compensation;
- Prohibited from attempting to recover the costs of paying the dealer from the dealer using other methods;
- Prohibited from taking any adverse action against the dealer for asserting the dealer's rights under the act;
- Prohibited from requiring a dealer to use any method that is unduly burdensome or time-consuming to account for the retail prices set under the act.

APPROVED by Governor May 30, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-234 <u>Nontransplant tissue banks - registration and standards of practice - ownership</u> by mortuary and crematory owners - appropriation. The act requires nontransplant tissue banks to:

- Register with the director of the division of professions and occupations in the department of regulatory agencies and pay a fee set by the director;
- Appoint a designee with authority to require personnel to comply with laws

concerning nontransplant tissue banks; and

• Make disclosures, keep records and make them available to interested parties and the director, and maintain a standard of practice.

The registration of nontransplant tissue banks sunsets on September 1, 2024.

The act makes it unlawful under the "Mortuary Science Code" for a person to own more than a 10% direct or indirect interest in a funeral establishment or crematory while simultaneously owning more than a 10% direct or indirect interest in a nontransplant tissue bank.

\$17,159 is appropriated to the department of regulatory agencies from the division of professions and occupations cash fund to implement the act.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-239 <u>Chiropractors - animal chiropractic adjustment - exemption from veterinary</u> <u>medical clearance requirement - continuing education - reporting requirements</u>. The act exempts a licensed chiropractor performing an animal chiropractic adjustment from a requirement that the licensed chiropractor first obtain a veterinary medical clearance if the licensed chiropractor has successfully completed 9 hours of course work related to contagious, infectious, and zoonotic diseases. The act also requires that continuing education requirements for renewed registration in animal chiropractic include a 2-hour course on Colorado incidence rates for contagious, infectious, and zoonotic to notify the state veterinarian and an animal patient's licensed veterinarian if the licensed chiropractor suspects that the animal patient has a contagious, infectious, or zoonotic disease. Finally, the act amends the definition of "animal chiropractic" to refer to performing chiropractic adjustment of dogs and equids, where current law defines it as performing chiropractic adjustment of dogs and horses, and defines "equid" to include horses, donkeys, mules, and zebras.</u>

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-271 <u>Marijuana research and development licensees - transfer of marijuana - co-location - health research grant program - appropriation.</u> Subject to rules of the marijuana enforcement division, the act authorizes:

- Marijuana research and development licensees and marijuana research and development cultivation licensees (research licensees) to transfer unused marijuana within the regulated marijuana industry; and
- Research licensees to be co-located at the premises of a medical marijuana-infused products manufacturer or a retail marijuana products manufacturer.

The general appropriations bill transferred \$3 million from the marijuana tax cash fund to the health research subaccount of the medical marijuana program cash fund (subaccount). The act strikes the limitation of the amount of transfers to the subaccount and extends the repeal of the medical marijuana program cash fund until July 1, 2023. The act authorizes \$100,000 to be spent annually from the subaccount for administrative purposes related to the medical marijuana research grant program.

The act encourages the state board of health to prioritize grants for ovarian cancer and dementia.

The act appropriates \$10,656 from the marijuana tax cash fund to the department of revenue to purchase legal services related to the act.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1011 <u>Marijuana business investment - allow publicly traded company investment</u> - controlling beneficial owners - passive beneficial owners - indirect financial interest holder - appropriation. The act repeals the provisions that require limited passive investors to go through an initial background check. The act repeals the provisions that limit the number of out-of-state direct beneficial owners to 15 persons. The act repeals the provision that prohibits publicly traded entities from holding a marijuana license.

The act creates 2 new ownership licenses, controlling beneficial owners and passive beneficial owners, and a new investment type, indirect financial interest holder. The act gives the state licensing authority rule-making authority related to the parameters of, qualifications of, disclosure of, requirements for, and suitability for the new license types and investment type. A controlling beneficial owner is a person that is the beneficial owner of 5% or more of the securities of a marijuana business; is an affiliate; or is otherwise in a position to exercise control of the marijuana business. A passive beneficial owner is a person that is not an affiliate of a marijuana business, has no control over the marijuana business, and owns less than 5% of the securities of a marijuana business. An indirect financial interest holder is a person that is not an affiliate or in a position to exercise control over the marijuana business and that holds a commercially reasonable royalty interest; holds a permitted economic interest issued prior to January 1, 2019, that has not been converted to an ownership interest; or is a contract counterparty that has a direct nexus to the business. An indirect financial interest holder does not require a finding of suitability and does not require a license.

The act requires a person intending to apply to become a controlling beneficial owner or passive beneficial owner to receive a finding of suitability or an exemption from the state licensing authority prior to submitting a marijuana business application. When applying for suitability a person must disclose all of its officers, directors, and affiliates; all controlling beneficial owners; if a publicly traded corporation, all of its controlling beneficial owners of 5% or more; and, if not a publicly trade corporation, all of its officers, directors, beneficial owners, and affiliates; and if not a publicly traded company, all of its passive beneficial owners. The act also requires a marijuana business or controlling beneficial owner that is a public corporation to comply with various notification, disclosure, notice, and suitability requirements. The act limits the types of publicly traded corporations that can be marijuana businesses or controlling beneficial owners.

The act appropriates \$1,037,452 from the marijuana cash fund to the department of

revenue to implement the act.

VETOED by Governor June 5, 2018

H.B. 18-1023 <u>Medical marijuana - retail marijuana - title 12 recodification study - relocation.</u> **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 12 that are administered by the department of revenue to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, the act creates title 44, Colorado Revised Statutes, and relocates article 43.3 of title 12, medical marijuana, to a new article 11 in the new title 44 and relocates article 43.4 of title 12, retail marijuana, to a new article 12 in the new title 44. The act makes conforming amendments and repeals the statutes where the law was previously codified.

APPROVED by Governor March 22, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1045 <u>Dental hygienists - application of silver diamine fluoride</u>. The act allows a dental hygienist to apply silver diamine fluoride under the supervision of a dentist if the dental hygienist notifies the patient of specific information and:

- Holds a license in good standing to practice dental hygiene;
- Completes a course on the use and limitations of silver diamine fluoride;
- Is covered by professional liability insurance; and
- Has a collaborative agreement with a dentist that describes the silver diamine fluoride protocols, any restrictions or limitations, and follow-up and referral mechanisms.

APPROVED by Governor March 22, 2018

EFFECTIVE March 22, 2018

H.B. 18-1105 <u>Motor vehicle dealers - powersports vehicle dealers - auto dealer's license fund.</u> Section 1 of the act clarifies that money received as fines for the following violations may be deposited in the auto dealers license fund:

- Issuance of a bad check by a motor vehicle dealer; and
- Failure to obtain any necessary license to be a motor vehicle dealer, manufacturer, distributor, wholesaler, manufacturer representative, used motor vehicle dealer, buyer agent, wholesale motor vehicle auction dealer, or motor vehicle salesperson.

Section 3 diverts half of the fine for failing to obtain a license to be a wholesaler,

powersports vehicle dealer, used powersports vehicle dealer, powersports vehicle manufacturer, powersports vehicle distributor, or powersports vehicle manufacturer representative to the auto dealers license fund.

Section 2 exempts businesses that sell vehicles that meet the following criteria from the requirement that specified sellers of powersports vehicles be licensed:

- The vehicle has been owned for more than one year;
- The vehicle has been used exclusively for business purposes;
- The vehicle is titled in the name of the business;
- All taxes for the vehicle have been paid; and
- The total number of vehicles sold by the business owner over a 2-year period does not exceed 20 vehicles.

APPROVED by Governor March 7, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1155 Physical therapists - physical therapist assistants - continuation under sunset law - diagnoses - dry needling - rules - supervision of physical therapist assistants professional development - grounds for discipline - wound debridement - physical therapy board - medical transparency act. The automatic termination date of the regulation of physical therapists and physical therapist assistants is extended until September 1, 2024, pursuant to provisions of the sunset law. The act implements changes to the "Physical Therapy Practice Act", including recommendations of the department of regulatory agencies in its sunset review and report, as follows:

- Clarifies that a physical therapist may make physical therapy diagnoses;
- Allows a physical therapist to perform dry needling if the physical therapist has the knowledge, skill, ability, and competency to perform the act; has completed a dry needling course; and obtains informed consent from the patient. The act also requires the physical therapy board to update rules that establish requirements for dry needling.
- Clarifies that a physical therapist's scope of practice includes the direct supervision of unlicensed physical therapists;
- Requires that physical therapy professional development activities must be measured by a contact-hour-to-credit-hour ratio;
- Adds as grounds for disciplinary action the failure to supervise physical therapist assistants and the failure to report an adverse action, the surrender of a license, or other discipline taken in another jurisdiction;
- Requires physical therapist assistants to maintain continuing professional competency to practice pursuant to the continuing professional competency program established by the physical therapy board by rule;
- Allows a physical therapist assistant to perform noninvasive wound debridement under the supervision of a physical therapist;
- Replaces a physical therapist member of the physical therapy board with a physical therapist assistant member;
- Removes physical therapists practicing in Colorado pursuant to the "Interstate
Physical Therapy Licensure Compact Act" from the "Michael Skolnik Medical Transparency Act of 2010".

APPROVED by Governor May 29, 2018

EFFECTIVE September 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1174 Board of mortgage loan originators - continuation under sunset law - license application procedure - educational requirements - grounds for denial - composition of board. The act implements the recommendations of the department of regulatory agencies in its sunset review of the board of mortgage loan originators. Sections 1 and 2 of the act continue the board for 11 years, until September 1, 2029.

Section 3 commences the 60-day period within which the board must act on a license application on the date when all information, including supplementary information, necessary to process the application has been received rather than on the date when the application is first received. Section 3 also aligns the educational requirements for initial licensure as a mortgage loan originator (MLO) with the educational requirements of the federal "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" (the SAFE Act).

Section 4 aligns the standards for disqualifying prior convictions with the corresponding standards in the SAFE Act and applies those standards to renewal and revocation as well as initial licensure.

Section 5 encourages the governor to appoint to one of the 3 seats on the board that is assigned to MLOs an MLO who is an employee or exclusive agent of, or works as an independent contractor for, a Colorado-based mortgage company.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1224 <u>Administrative procedure act - procedures for disciplining licensed individuals</u> - <u>mediation - appropriation</u>. When disciplinary proceedings concern an individual who is licensed to practice an occupation, the act requires an administrative law judge or hearing officer to order mediation upon the motion of the state agency or licensee after the licensee receives the notice of hearing. If mediation is ordered, a state agency must:

- Assign a person who has authority to make prehearing decisions concerning disposition of the issue to be present in settlement and mediation meetings and included in material settlement communications with the licensee; and
- Allow a public or private mediator—at the expense of the licensee when the mediator is privately retained—upon the licensee's request to be present during meetings and included in material settlement communications.

Administrative law judges are instructed to make themselves available for mediation,

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without cost, if feasible. Procedures are set for mediation. If mediation fails, the state agency may continue to seek discipline upon instituting a disciplinary hearing against a licensee.

By January 1, 2022, the office of administrative courts and the division of professions and occupations in the department of regulatory agencies are required to jointly report to specified legislative committees certain information about hearings, mediations, and proceedings held before and after the effective date of the act.

Preexisting law requires state agencies to give a licensee:

- Notice of facts or conduct that may warrant revocation, suspension, annulment, limitation, or modification of a license;
- An opportunity to submit written data, views, and arguments with respect to the facts or conduct; and
- A reasonable opportunity to comply with all lawful requirements except for a willful violation or violation that is a danger to public health and safety.

Section 3 of the act clarifies that a court may overturn discipline for a failure to follow the requirements of preexisting law or to submit to mediation.

\$125,356 is appropriated to the department of regulatory agencies from the division of professions and occupations cash fund to implement the act. From that appropriation, \$19,917 is reappropriated to the department of personnel for use by the office of administrative courts to provide administrative law judge services and \$64,575 is reappropriated to the department of law to provide legal services.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1227 <u>Real estate brokers - licensing - expiration of licenses - transition from anniversary date to calendar-year periods.</u> Recent legislation changed the expiration dates of real estate licenses from an anniversary date 3 years after the date of initial issuance to December 31 of the third year after issuance, but did not allow the real estate commission a period to transition licenses. To allow more flexibility in transitioning from the anniversary date system to the calendar-year system, the act authorizes the commission to issue licenses that expire on December 31 of the year of issuance.</u>

APPROVED by Governor April 23, 2018

EFFECTIVE April 23, 2018

H.B. 18-1237 <u>State rule-making agencies - preparation of cost-benefit analyses - procedure - continuation under sunset law.</u> The act implements the recommendations of the department of regulatory agencies' sunset review and report on requirements and procedures regarding the preparation of a cost-benefit analysis by:

- Continuing the requirements and procedures indefinitely (sections 1 and 2 of the act);
- Requiring state rule-making agencies to include on their applicable websites information about the cost-benefit analysis process and a link to the online

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regulatory notice enrollment form created by the executive director of the department or the executive director's designee (section 2).

APPROVED by Governor April 25, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1258 <u>Retail marijuana consumption establishments - endorsement - requirements - restrictions - appropriation.</u> The act authorizes each licensed retail marijuana store to establish one retail marijuana accessory consumption establishment (establishment) that may sell marijuana concentrate and marijuana-infused products for consumption, other than smoking, at the establishment, if the local jurisdiction has authorized consumption establishments. The act contains requirements for obtaining endorsements and authorizing an establishment and required actions and prohibited actions for persons operating an establishment.</u>

The act appropriates \$99,637 to the department of revenue.

VETOED by Governor June 4, 2018

H.B. 18-1259 <u>Marijuana - licensee manager sampling - sample limits.</u> The act permits a medical marijuana optional premises cultivation licensee, a medical marijuana-infused products manufacturing licensee, a retail marijuana cultivation facility licensee, and a retail marijuana products manufacturing licensee to provide samples to no more than 5 managers for quality control and product development purposes. The manager and the sample must be tracked in the seed-to-sale tracking system. The act specifies limits on the amount that can be provided as a sample per batch. The act places limits on the amount of samples a manager can receive on a monthly basis. The act prohibits a manager from providing or reselling the sample to another licensed employee, individual, or customer. The act prohibits the licensee from:</u>

- Allowing the manager to consume the sample on site; and
- Using the sample as a means of compensating the manager.

APPROVED by Governor April 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1263 <u>Medical marijuana use - disabling condition - autism spectrum disorders.</u> The act adds autism spectrum disorders to the list of disabling medical conditions that authorize a person to use medical marijuana for his or her condition. The act encourages the state board to prioritize marijuana research grants for scientific research regarding the efficacy and safety of administering medical marijuana for pediatric conditions including autism spectrum disorder.

VETOED by Governor June 5, 2018

H.B. 18-1280 Marijuana businesses - appointment of receiver - temporary appointee registrations - appropriation. Under current law, there are no provisions that specifically address what happens to a regulated marijuana business when a representative is appointed for the business. The act requires a potential appointee to certify to the court prior to the appointment that he or she is suitable to hold a marijuana business license. After the appointment, the appointee shall apply to the state licensing authority for a finding of suitability. The state licensing authority must provide the appointee with a temporary appointee registration after receiving notification of the initial appointment. The act gives the state licensing authority rule-making authority regarding temporary appointee registrations.

The act appropriates \$28,950 from the marijuana cash tax fund to the department of revenue to implement the act. \$14,918 is reappropriated to the department of law for legal services to the department of revenue.

APPROVED by Governor May 15, 2018

H.B. 18-1294 <u>Nursing home administrators - board of examiners of nursing home</u> administrators - continuation under sunset law - record of member votes required. The automatic termination date of the regulation of nursing home administrators by the board of examiners of nursing home administrators (board) in the division of professions and occupations is extended until September 1, 2023, pursuant to the provisions of the sunset law.

The act requires the board to record by board member each vote imposing discipline or dismissing a complaint.

APPROVED by Governor May 29, 2018

Pharmacists - prescriptive authority - over-the-counter medications -H.B. 18-1313 collaborative pharmacy practice agreement. The act clarifies that for purposes of laws pertaining to pharmaceutical care, a licensed and qualified pharmacist may prescribe over-the-counter medication under the "Colorado Medical Assistance Act" or within the parameters of a statewide drug therapy protocol pursuant to a collaborative pharmacy practice agreement.

APPROVED by Governor June 6, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1354 Powersports vehicle sales - manufacturers - duty to honor written warranties. The act clarifies that a powersports vehicle manufacturer is required to honor written warranties.

APPROVED by Governor May 30, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the

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PROFESSIONS AND OCCUPATIONS

EFFECTIVE July 1, 2018

EFFECTIVE May 15, 2018

EFFECTIVE October 1, 2018

EFFECTIVE August 8, 2018

effective date, see page vi of this digest.

H.B. 18-1381 Medical marijuana - own source requirement - 50% own source requirement fiscal year 2018-19 - elimination of own source rule in fiscal year 2019-20 - production management system - sales above 2 ounces for extended ounce count. Under current law, a medical marijuana center must source 70% of the medical marijuana it sells from its associated optional premises cultivation facility. Similarly, an optional premises cultivation facility must have 70% of the medical marijuana it cultivates sold through its associated medical marijuana center. The act eliminates that requirement and allows medical marijuana centers to source medical marijuana from any optional premises cultivation facility.

The act creates a transition period between the current limited sourcing model that begins July 1, 2018. For one year from that date, medical marijuana centers and optional premises cultivation facilities can purchase and sell 50% of their inventory as a wholesale transaction, and medical marijuana trim is not included in the calculation of the percentage. Then, on or after July 1, 2019, an optional premises cultivation facility may sell any amount of the medical marijuana it cultivates to any medical marijuana center. Similarly, a medical marijuana center may source its medical marijuana from any optional premises cultivation facility without restriction. Additionally, the state licensing authority shall adopt a production management system similar to the system in the retail marijuana code.

The act allows a medical marijuana center to sell medical marijuana acquired from an optional premises cultivation facility licensee or medical marijuana-infused products manufacturer licensee. A medical marijuana center can sell more than 2 ounces to a patient if that patient has a recommended extended ounce count from his or her physician and registers with the medical marijuana center as his or her primary center. The patient also has to sign an affidavit that he or she does not have a primary caregiver cultivating medical marijuana on his or her behalf.

APPROVED by Governor May 29, 2018

PORTIONS EFFECTIVE July 1, 2018 **PORTIONS EFFECTIVE** July 1, 2019

H.B. 18-1389 <u>Marijuana cultivation and production - centralized distribution permit - temporary storage</u>. The act creates a centralized distribution permit to an optional premises cultivation facility or retail marijuana cultivation facility authorizing temporary storage on its licensed premises of marijuana concentrate or marijuana products for the sole purpose of transfer to the permit holder's respective commonly owned medical marijuana centers or retail marijuana stores.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

H.B. 18-1422 <u>Marijuana testing facilities - accreditation</u>. The act requires medical and retail marijuana testing facilities to be accredited pursuant to the International Organization for Standardization/International Electrotechnical Commission 17025:2005 standard by a body that is itself recognized by the International Laboratory Accreditation Cooperation by January 1, 2019. The state licensing authority can adopt rules providing for an extension of time to

comply with the standard. The act states that medical and retail marijuana testing is a matter of statewide concern.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1433 Naturopathic doctors - mandatory disclosures - terminology. The act:

- Requires that, before examining a patient, a naturopathic doctor disclose that the naturopathic doctor is registered and not licensed;
- Removes the requirement that naturopathic doctors use the term "registered" in the naturopathic doctor's title;
- Requires a naturopathic doctor to qualify any specialty services provided to the public with "naturopathic" or "naturopath"; and
- Clarifies the circumstances under which a naturopathic doctor may use the term "physician".

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1441 <u>Alcohol beverages - licensing - retail establishments - conditions and limitations - proximity to schools.</u> With limited exceptions, current law prohibits a licensing authority from receiving or acting upon a license application under the "Colorado Liquor Code" for the retail sale of alcohol beverages if the building in which the alcohol beverages will be sold is located within 500 feet of a public or parochial school or a college, university, or seminary. A local government may eliminate or reduce the distance restrictions.

The act applies the same distance restrictions, with the same limited exceptions and authority of a local government to reduce or eliminate the restrictions, to any fermented malt beverage retailer licensed on or after May 24, 2018, under the "Colorado Beer Code" to sell fermented malt beverages at retail or any fermented malt beverage retailer that applies on or after May 24, 2018, to relocate its licensed premises.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

NOTE: Section 2 of the act states that the act takes effect upon passage only if Senate Bill 18-243 does not become law. The governor signed SB 18-243 June 4, 2018.

PROPERTY

S.B. 18-10 Landlord and tenant - documentation of rental agreement and payments - landlord to provide copies to tenant upon request. The act requires a residential landlord to provide a tenant with a copy of any written rental agreement signed by the parties and to give the tenant a contemporaneous receipt for any payment made in person with cash or a money order. For payments not made in person with cash or a money order, the landlord must provide a receipt if the tenant requests it.

The landlord may provide the tenant with an electronic copy of the agreement or the receipt unless the tenant requests a paper copy.

APPROVED by Governor March 22, 2018 EFFECT

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1117 <u>Self-storage facilities - liens.</u> The act modifies the law governing the statutory lien that an owner of a self-storage facility has for the occupant's late payment of rent or other charges by:

- Specifically including late fees in the lien;
- Allowing the rental agreement to limit the aggregate value of the property that may be stored in the occupant's storage space; and
- Specifying that property stored in the occupant's storage space may be sold at an online auction website to satisfy the lien.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1254 <u>Foreclosures - deed of trust.</u> The act modifies and clarifies certain aspects of the foreclosure process on property encumbered by a deed of trust as follows:

- Eliminates the authority of the attorney for a holder of an evidence of debt (holder) to specify the newspaper used to publish foreclosure notices;
- Allows an amended combined notice to be omitted in a specified circumstances when the notice is provided by the public trustee conducting the foreclosure;
- Modifies the amount of the deposit required for the fees and costs of the public trustee;
- Omits a statement notifying borrowers of their ability to file a complaint if they believe a lender or servicer has violated certain requirements from the portions of a combined notice that must be published;
- Makes changes to the bid form used by holders;
- Clarifies the amount to be paid to the officer if the holder bids an amount that exceeds the amount due to the holder;

- Further specifies and modifies the procedures for restarting a foreclosure proceeding when a property is subject to a federal bankruptcy case or if a sale has been enjoined or set aside by a court; and
- Specifies the interest and other amounts that may be charged by the holder of a certificate of purchase when property is redeemed.

APPROVED by Governor April 23, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1291 <u>Conservation easements - division of conservation - conservation easement</u> <u>oversight commission - certification of conservation easement holders - conservation</u> <u>easement tax credit certificates - conservation cash fund - rules.</u> The act creates the division of conservation (division), as a **type 2** entity in the department of regulatory agencies (DORA). The director of the division (director) is charged with aiding in the administration and enforcement of the statutes governing conservation easements and to administer, in consultation with the conservation easement oversight commission (commission), the certification of conservation easement holders and the issuance of tax credit certificates.</u>

The act creates the commission as a **type 2** entity within DORA and allocates its powers, duties, and functions to the division. The commission consists of 8 members and specifies the appointing authority of the members and the institutional interests they represent or expertise they must possess.

The act requires the division, in consultation with the commission, to establish and administer a program to certify qualified organizations that hold conservation easements for which a tax credit is claimed. The division shall conduct a review of each application and consider the recommendations of the commission before making a final determination to grant or deny certification. The applicant is required to pay the division an annual fee, as prescribed by the division, to cover the costs of the division and the commission in administering the certification program.

The statutory sections creating the commission and requiring the certification of qualified organizations are repealed, effective July 1, 2019.

If the division determines that an applicant does not possess the applicable qualifications for certification or that the applicant has violated any provision of the statute, rules promulgated by the division, or any division order, the division may deny the applicant a certification or deny the renewal of a certification.

The act requires the division to promulgate rules to effectuate the duties of the commission. The act specifies the matters the rules must address.

The division is required to maintain and update an online list, accessible to the public, of the organizations that have applied for certification and whether each has been certified, rejected for certification, or had its certification revoked or suspended in accordance with the act.

The division is required to receive tax credit certificate applications from and issue certificates to landowners for income tax credits for conservation easements donated on or after January 1, 2011.

The act requires the division to establish and administer a process by which a landowner seeking to claim an income tax credit for any conservation easement donation made on or after January 1, 2014, must apply for a tax credit certificate. The landowner has the burden of proof regarding compliance with all applicable laws, rules, and regulations. Division staff is required to review each application and advise and make recommendations to the director and the commission regarding the application. The director has authority and responsibility to determine the credibility of the appraisal and, in making this determination, is required to consider compliance with certain requirements specified in the act.

A landowner submitting an application for a tax credit certificate or an application for an optional preliminary advisory opinion is required to pay the division a fee as prescribed by the division. The state treasurer is required to credit the fees collected to the conservation cash fund (fund) created in the act.

The act specifies procedures to be followed if, during the review of an application for a tax credit certificate, the director or commission identifies any potential deficiencies in the application, including procedures by which the landowner may address the potential deficiencies.

The director or the commission may deny an application if the landowner has not demonstrated to the satisfaction of the director or the commission that the application complies with pertinent statutory requirements; fails to provide the information and documentation required; or fails to timely respond to any written request or notice from the division, the director, or the commission.

If the director and the commission either do not identify any potential deficiencies with an application, or all potential deficiencies that have been identified are subsequently addressed to the satisfaction of the director and the commission, the director and the commission must approve the application, and the division is required to issue a tax credit certificate to the landowner in a timely manner. If any potential deficiencies that have been identified are not subsequently addressed to the satisfaction of the director and the commission, the division must issue a written denial of the application to the landowner documenting the deficiencies.

The landowner may appeal to the director either the director's or the commission's denial of an application, in writing, within 30 days after the issuance of the denial. If the landowner fails to appeal the denial of an application within 30 days after the issuance of the denial, the denial becomes final, and the division is prohibited from issuing a tax credit certificate to the landowner. The decision of the director or the commission is subject to judicial review by the court of appeals.

For the 2014 calendar year and each calendar year thereafter, the division is required to create a report, which shall be made available to the public, containing certain aggregate

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information concerning tax credit certificate applications as specified in the act.

The director is authorized to share publicly available information regarding conservation easements with a third-party vendor for the purpose of developing and maintaining a registry of conservation easements in the state with a corresponding map displaying information concerning the boundaries of each easement in the state.

In addition to the tax credit certificate application process, a landowner may submit a proposed conservation easement donation to the division to obtain an optional preliminary advisory opinion regarding the transaction. The opinion may address the proposed deed of conservation easement, appraisal, conservation purpose, or other relevant aspect of the transaction. The division, the director, and the commission are required to review the information and documentation provided and issue either a favorable opinion or a nonfavorable opinion. The preliminary opinion is advisory only and is not binding for any purpose upon the division, the director, the commission, or the department of revenue.

Notwithstanding the "Colorado Open Records Act", the division, the director, and the commission are required to deny the right of public inspection of any documentation or other record related to information obtained as part of an individual landowner's application for a tax credit certificate or an optional preliminary advisory opinion. The division, the director, and the commission may share documentation or other records related to information obtained pursuant to the act with the department of revenue.

Nothing in the act affects any tax credit that is claimed or used for conservation easement donations occurring prior to January 1, 2014.

The act requires the division to convene a working group in conjunction with the department of law, the department of revenue, and DORA to develop statutory and regulatory recommendations on certain issues specified in the act. The working group is required to submit a report to specified legislative committees no later than December 1, 2018. The report must include any recommendations for legislation or rulemaking to address the issues specified in the act.

The act repeals various existing statutory sections concerning conservation easement holders, the commission, and conservation easement tax credit certificates that are superseded by the act.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1342 <u>Common interest communities - unit owners' associations - budget reporting</u> - veto by majority of unit owners. The act requires a common interest community that predates the "Colorado Common Interest Ownership Act" (Act) to abide by a provision of the Act that allows unit owners to veto, by majority vote, a budget proposed by the common interest community's executive board; except that the act does not apply to a common interest a maximum assessment amount or provides a limit on the amount that the common interest

community's annual budget may be increased.

APPROVED by Governor June 6, 2018

EFFECTIVE July 1, 2018

PUBLIC UTILITIES

S.B. 18-2 <u>Telecommunications - broadband deployment grants - use of high cost support</u> <u>mechanism money for project grants.</u> Section 1 of the act amends the definition of "broadband network" to increase the speed of downstream broadband internet service from at least 4 megabits per second to at least 10 megabits per second and the definition of "unserved area" to refer to an area that is unincorporated, or is a city with a population of fewer than 7,500 inhabitants, and that consists of households that lack access to at least one broadband network provider using satellite technology and at least one provider using nonsatellite technology.</u>

Sections 2 and 5 repeal the public utilities commission's (commission) functions of administering the high cost support mechanism (HCSM) on September 1, 2024, subject to the department of regulatory agencies' review of the functions through its sunset review process.

Section 2 also requires the commission, for each quarter in 2019, to allocate 60% of the total amount of HCSM money that the nonrural incumbent local exchange carrier would receive to the HCSM account dedicated to broadband deployment, and to allocate an additional 10% of the total money that the nonrural incumbent local exchange carrier would receive in each guarter of each subsequent year until, in 2023, all of the money that the nonrural incumbent local exchange carrier would receive is allocated to the HCSM account dedicated to broadband deployment. Section 2 also removes a requirement that the commission reduce the rate of the HCSM surcharge by a certain percentage of the money transferred from the HCSM to the broadband fund for the deployment of broadband into rural areas. Section 2 requires that the HCSM surcharge rate that existed on January 1, 2018, be maintained; except that, on and after July 1, 2023, the commission may reduce the rate to ensure that the amount of money collected does not exceed \$25 million in 2024. For the period of January 1, 2019, through December 1, 2023, section 2 maintains the amount of support received by rural telecommunications providers for basic service at the level of support they received on January 1, 2017. Section 2 also prohibits the commission from making effective competition determinations in 2019 through 2023 with respect to making distributions of high cost support mechanism money. Finally, section 2 requires the commission, on or before December 31, 2018, to establish a plan to eliminate, on an exchange-area-by-exchange-area basis, provider-of-last-resort obligations consistent with the reductions in the HCSM distributions for basic service.

Section 4 updates language regarding the use of money from the HCSM for broadband deployment grant applications approved by the broadband deployment board (board) to have money transferred directly from the HCSM to approved broadband deployment grant applicants. Section 4 changes the membership of the board, adding one member representing the broadband industry and removing one member representing the public and requiring one of the members who represents a local entity to have a background in broadband and expertise in rural economic development, education, or telemedicine. Section 4 clarifies conflict-of-interest procedures that a board member must follow. Section 4 also defines the terms "incumbent broadband provider" and "overbuild". Section 4, with regard to the board's grant application process, also:

- Allows a grant applicant to apply for grants for multiple projects in a single year;
- Prohibits the board from funding a proposed project that overbuilds an existing broadband project;

- Prioritizes proposed projects that will serve areas that lack high-speed internet access at measurable speeds of at least 10 megabits per second downstream and one megabit per second upstream;
- Requires the board to grant an incumbent broadband provider's appeal if the incumbent broadband provider demonstrates, by a preponderance of the evidence, that an area covered by an application does not qualify as an unserved area; and
- Allows an applicant to amend the applicant's application at any time to remove coverage of an area that does not qualify as an unserved area.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-9 <u>Electric utilities - installation of customer-sited energy storage systems - rules and procedures.</u> The act declares that consumers of electricity have a right to install, interconnect, and use energy storage systems on their property, and that this will enhance the reliability and efficiency of the electric grid.

The act directs the Colorado public utilities commission to adopt rules governing the installation, interconnection, and use of customer-sited energy storage systems.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-104 <u>Telecommunications - broadband deployment board - application for federal funds.</u> The act requires the broadband deployment board, on or before January 1, 2019, to petition the federal communications commission (FCC) for a waiver from the FCC's rules prohibiting a state entity from applying for federal money earmarked for broadband deployment in remote areas of the nation through the remote areas fund created as part of the connect America fund established by the FCC.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-134 <u>Water utilities - simplified regulatory treatment - nonprofit entities - authority</u> <u>of public utilities commission.</u> Under current law, the public utilities commission is directed to grant simplified regulatory treatment to water companies that serve fewer than 1,500 customers. The act expands on this concept by deregulating water companies that are registered as nonprofits, so long as their rates, charges, and terms and conditions of service are just and reasonable. The commission retains the right to entertain a complaint of unjust

or unreasonable rates or practices, and to take remedial action, if the complaint is authorized by specified public officials or other persons.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1099 <u>Telecommunications - broadband deployment grants - application process - incumbent's right of first refusal.</u> Upon receiving a telecommunications provider's application for grant funding of a proposed project to provide access to a broadband network in an unserved area of the state, the broadband deployment board must allow an incumbent telecommunications provider in the unserved area the right of first refusal with regard to implementing a broadband deployment project for the unserved area. The board is required to develop criteria regarding an incumbent telecommunications provider's exercise of its right of first refusal.</u>

The act requires that the broadband deployment board's criteria include requirements that an incumbent telecommunications provider exercising its right to implement a broadband deployment project for the unserved area agree to provide demonstrated downstream and upstream speeds equal to or faster than the speeds indicated in the applicant's proposed project and at a cost per household that is equal to or less than the cost per household indicated in the applicant's proposed project.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1116 <u>Telecommunications - broadband deployment board - application for federal</u> <u>funding authorized - federal connect America fund phase II auction</u>. The act authorizes the broadband deployment board to apply for federal funding of broadband deployment and allocate any federal money received to broadband deployment projects approved by the board. The act also directs the board to petition the federal communications commission (FCC) for a waiver from the FCC's rules prohibiting a state entity from applying for federal money earmarked for broadband deployment through the FCC's connect America fund phase II auction to allow the board to apply for the federal auction money.

APPROVED by Governor January 29, 2018

EFFECTIVE January 29, 2018

H.B. 18-1184 <u>Telecommunications - annual report on 911 services</u>. The public utilities commission (commission) is required to annually publish a "state of 911" report. The report must address the commission's activities related to 911 service, the current statewide architecture and operations related to 911 service, 911 network reliability and resiliency, any identified gaps or vulnerabilities in 911 service, national trends and activities, funding, and the implementation of next generation 911. The commission is required to consult with public

safety answering points, local 911 governing bodies, and statewide organizations representing public safety agencies in creating the report.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1270 Electric utilities - resource planning - energy storage systems - rules and conditions for procurement. The act directs the public utilities commission to adopt rules, by February 1, 2019, establishing mechanisms for the procurement of energy storage systems by investor-owned electric utilities, based on an analysis of costs and benefits as well as factors such as grid reliability and a reduction in the need for additional peak generation capacity. The information supplied by the utilities must include appropriate data and must specify interconnection points to enable independent evaluation.

APPROVED by Governor June 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1271 Electric utilities - rates and charges - economic development rates for qualified commercial and industrial users - criteria - approval by public utilities commission. The act allows the public utilities commission (commission) to approve, and electric utilities to charge, economic development rates, which are lower rates for commercial and industrial users who locate or expand their operations in Colorado so as to increase the demand by at least 3 megawatts. To qualify for the economic development rates, these users must demonstrate that the cost of electricity is a critical consideration in deciding where to locate or expand their business and that the availability of lower rates is a substantial factor. The rates may be offered for up to 10 years.

The act also authorizes the expansion of a voluntary renewable energy program or service offering as necessary to meet the needs of a commercial or industrial customer that makes a capital investment of \$250 million or more, requires the expansion in order to remain as a customer of a utility, or is a new customer.

Utilities that offer economic development rates cannot cross-subsidize the economic development rates by raising rates on other customers, and a utility bears the burden of proof on this issue in any proceeding before the commission.

The act automatically repeals on January 1, 2028, unless extended by future legislation.

APPROVED by Governor June 1, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1320 Public utilities commission - taxicab service - reduced regulation of large-market taxicab service - motor carrier status applied. The act reduces the regulation of taxicab service provided in large metropolitan areas by changing taxicab service provided in such areas from common carrier status to motor carrier status.

Section 4 of the act defines a large-market taxicab service as indiscriminate passenger transportation for compensation in a taxicab on a call-and-demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld, and between those points and all points within the state of Colorado, with the first passenger in the taxicab having exclusive use of the taxicab unless the passenger agrees to multiple loadings.

Section 5 authorizes the public utilities commission to promulgate safety rules governing the operation of large-market taxicab service.

Section 7 requires individuals seeking to drive for a motor carrier that operates a large-market taxicab service to submit a set of fingerprints to the commission for a fingerprint-based criminal history record check.

Section 10 requires that, on or after January 1, 2019, a person obtain a permit from the commission to operate a large-market taxicab service. To obtain a permit, a motor carrier providing large-market taxicab service must have at least 25 vehicles in its fleet at all times; except that a motor carrier providing large-market taxicab service in El Paso, Larimer, or Weld county need only have 10 vehicles in its fleet at all times. The commission shall determine by rule the maximum rate that may be charged for large-market taxicab service in each county in which large-market taxicab service is authorized. Section 10 also requires permittees to file with the commission a rate schedule and does not limit the number or frequency of updated rate schedules that a permittee may file. Unless a rate schedule exceeds the maximum rate established by the commission by rule, the commission is not authorized to reject or amend a rate schedule filed in the form and manner required by the commission.

Sections 1 through 3, 6, 8, 9, and 11 make conforming amendments to include large-market taxicab services in provisions of statute that address fines and fees, subject the services to rules, and require specific license plates.

APPROVED by Governor June 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

REVENUE - ACTIVITIES REGULATION

S.B. 18-30 Motor vehicles and powersports vehicles - event data recorders - title 12 recodification study - relocation. **Committee on Legal Services.** Section 1 of the act relocates laws from article 6 of title 12 (professions and occupations) that govern the sale of motor vehicle and powersports vehicles to a new title 44 as a new article 20. The new title 44 consists of laws administered by the department of revenue that regulate a variety of activities.

Section 3 relocates part 4 of article 6 of title 12 related to event data recorders to a new part 24 in article 4 of title 42, which regulates vehicles and traffic.

APPROVED by Governor March 1, 2018

EFFECTIVE October 1. 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-34 <u>Regulation of limited gaming - title 12 recodification study - relocation.</u> **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 12 that are administered by the department of revenue to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, the act creates title 44, relocates laws related to the regulation of limited gaming from title 12 to the new title, relocates laws related to the tribal-state gaming compact from title 12 to the new title, repeals the relocated laws from their current location, and makes conforming amendments necessitated by the relocation of the laws.

APPROVED by Governor March 1, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-35 <u>Gambling payment intercept program - title 12 recodification study - relocation.</u> **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 24 that are administered by the department of revenue to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, the act creates title 44, relocates laws related to the gambling payment intercept program from title 24 to the new title, repeals the relocated laws from their current location, and makes conforming amendments necessitated by the relocation of the laws.

APPROVED by Governor March 1, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-36 <u>Regulation of tobacco sales to minors - title 12 recodification study - relocation.</u> **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 24 that are administered by the department of revenue to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, section 1 of the act creates title 44 and section 2 relocates laws related to the regulation of tobacco sales to minors from title 24 to the new title. Section 3 repeals the relocated laws from their current location. Sections 4 through 6 make conforming amendments necessitated by the relocation of the laws.

APPROVED by Governor March 15, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-67 <u>Alcohol beverage regulation - special events - authority to auction alcohol beverages in sealed containers for fundraising purposes.</u> The act allows certain organizations to bring onto and remove from a licensed or unlicensed premises where a special event will be held alcohol beverages in sealed containers that were donated to or otherwise lawfully obtained by the organization and will be used for an auction for fundraising purposes as long as the alcohol beverages remain in sealed containers at all times and the licensee does not realize any financial gain related to the alcohol beverage auction.</u>

The act applies to the following types of organizations that are eligible to apply for a special event permit, are exempted from special event permit requirements, or are holding a special event at a retail premises licensed to sell alcohol beverages for on-premises consumption:

- An organization formed for a social, fraternal, patriotic, political, or athletic purpose and not for pecuniary gain;
- An organization that is a regularly chartered branch, lodge, or chapter of a national organization or society organized for social, fraternal, patriotic, political, or athletic purposes and is nonprofit in nature;
- An organization that is a regularly established religious or philanthropic institution;
- An organization that is a state institution of higher education; or
- A political candidate.

The retail value of alcohol beverages donated by a retail liquor store, liquor-licensed

drugstore, or fermented malt beverage retailer is not included in the calculation of the \$2,000 limit on the purchase of alcohol beverages from those retailers by persons licensed to sell alcohol beverages for on-premises consumption. Additionally, a retailer that donates alcohol beverages is not liable for unlawful acts committed by the organization or other person involving the donated alcohol beverages or on the licensed premises where the event is held. If an unlawful act is committed on a licensed premises where a special event is held, the licensing authorities are required to consider mitigating factors, including the licensee's lack of knowledge of the violation, in determining whether to hold the licensee responsible.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

S.B. 18-138 <u>Alcohol regulation - remaining alcohol beverage inventory - sale to retail licensee with common ownership.</u> The act allows persons with the following retail licenses to purchase alcohol beverages from another retail licensee when there is common ownership between the licensees and the seller has surrendered its license, had the license revoked, or lost legal possession of the premises within the last 60 days:

- Beer and wine;
- Hotel and restaurant;
- Tavern;
- Retail gaming tavern;
- Brew pub;
- Club;
- Arts nonprofit;
- Racetrack;
- Vintner's restaurant;
- Distillery pub; or
- Lodging and entertainment facility.

The seller must return all alcohol beverages bought on credit, allow wholesalers 30 days to purchase back inventory, have paid all wholesale bills, and sell to only one licensed premises. A wholesaler is prohibited from transporting the inventory from the seller's premises to the buyer's premises. The seller may transport the inventory.

APPROVED by Governor April 2, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-243 <u>Alcohol beverages - retail sales in sealed containers - fermented malt beverage</u> retailers, retail liquor stores, liquor-licensed drugstores - distance restrictions - food sales requirements - delivery to customers - age to sell - public consumption - appropriation. Under preexisting law, effective January 1, 2019, the limitation on the maximum alcohol content of fermented malt beverages, also referred to as "3.2% beer", is eliminated, thereby allowing grocery stores, convenience stores, and any other person currently licensed or licensed in the future to sell fermented malt beverages for consumption on or off the licensed premises to sell fermented malt beverages containing more than 3.2% alcohol by weight or 4% alcohol by volume, referred to as "malt liquor".</u>

The act modifies laws governing the retail sale of fermented malt beverages, which will be synonymous with malt liquor as of January 1, 2019, as follows:

- As of the effective date of the act, eliminates the fermented malt beverage retailer's license type that allows a retailer to sell malt liquor for consumption both on and off the licensed premises and prohibits renewal of existing on- and off-premises licenses on or after that date (sections 2 and 4);
- For fermented malt beverage retailer licenses authorizing the sale of malt liquor in sealed containers for off-premises consumption issued on or after January 1, 2019, the retailer:
 - Must derive at least 20% of its gross annual sales revenues from the sale of food items, unless the retailer owns or leases premises in which malt liquor will be sold and has applied for or received, as of January 1, 2019, a building permit or certificate of occupancy for the premises;
 - Cannot self malt liquor to consumers at a price that is below the retailer's cost to purchase the malt liquor, with limited exceptions;
 - Cannot allow customers to use a self-checkout mechanism to purchase malt liquor;
 - May operate under a single or consolidated corporate entity but cannot commingle purchases for multiple licensed premises to secure a better wholesale price based on total product volume purchased; and
 - May deliver fermented malt beverages to customers of legal age under the same conditions applicable to retail liquor store and liquor-licensed drugstore licensees as specified in sections 8 and 9 of the act (section 4);
- As of June 4, 2018, prohibits the state and local licensing authorities from:
 - Issuing a new fermented malt beverage retailer's license authorizing the sale of malt liquor for off-premises consumption if the licensed premises is or will be located within 500 feet of a licensed retail liquor store, unless the retailer owns or leases premises in which malt liquor will be sold and has applied for or received, as of January 1, 2019, a building permit or certificate of occupancy for the premises; or
 - Allowing a fermented malt beverage retailer to relocate its licensed premises if the new location is within 1,500 feet of a licensed retail liquor store; for a premises located in a municipality with a population of 10,000 or fewer, within 3,000 feet of a licensed retail liquor store; or for a premises located in a municipality with a population of 10,000 or fewer that is contiguous to the city and county of Denver, within 1,500 feet of a licensed retail liquor store; within 1,500 feet of a licensed retail liquor store; or for a premises located in a municipality with a population of 10,000 or fewer that is contiguous to the city and county of Denver, within 1,500 feet of a licensed retail liquor store (section 5);
- As of June 4, 2018, precludes issuance of a new fermented malt beverage retailer's license or the relocation of an existing fermented malt beverage retail licensed premises if the building in which malt liquor will be sold is located within 500 feet of a school, unless an exception applies or the local licensing authority or local governing body authorizes an exception within its jurisdiction (section 7);
- Prohibits the sale of malt liquor in a sealed container by a fermented malt beverage retailer on Christmas day (section 11); and
- Requires a licensed fermented malt beverage retailer to check the identification of its customers who attempt to purchase malt liquor to verify each customer is at least 21 years of age (section 11).

With regard to the retail sale of malt, vinous, or spirituous liquors by retail liquor stores

or liquor-licensed drugstores, the act:

- Modifies requirements pertaining to the delivery of malt, vinous, or spirituous liquors by a retail liquor store or liquor-licensed drugstore to:
 - Require the delivery to be made by a store employee who is at least 21 years of age and is using a store-owned or store-leased vehicle;
 - Require the person delivering the product to verify that the person receiving the delivery is at least 21 years of age; and
 - Limit total sales revenues from delivered alcohol beverage products to 50% of gross annual alcohol beverage sales (sections 8 and 9);
- Modifies provisions governing tastings conducted at a retail liquor store or liquor-licensed drugstore, including allowing tastings to be conducted:
 - Between 11 a.m. and 9 p.m.;
 - On up to 156 days per year; and
 - By a representative of the alcohol beverage supplier (section 5);
- Specifies that if an employee or representative of an alcohol beverage supplier pours or serves the supplier's product during a tasting at a retail establishment, that service does not constitute labor provided by a supplier to a retail licensee (section 6);
- Applies the 1,500-foot radius restriction, rather than the 3,000-foot restriction, to a retail liquor store or liquor-licensed drugstore premises located in a municipality with a population of 10,000 or fewer that is contiguous to the city and county of Denver (sections 5, 8, and 9);
- Prohibits a retail liquor store from selling alcohol beverages to consumers at a price that is below the retailer's cost to purchase the alcohol beverages, with limited exceptions, and allows the same exceptions to the restriction on below-cost sales applicable to liquor-licensed drugstores under current law (sections 8 and 9);
- Allows retail liquor store and liquor-licensed drugstore licensees with multiple locations to operate under a single or consolidated corporate entity but prohibits commingled purchases for multiple licensed premises to secure a better wholesale price based on total product volume purchased (sections 8 and 9);
- Allows a liquor-licensed drugstore that applied for its license before October 1, 2016, to obtain additional liquor-licensed drugstore licenses, if obtained in the manner specified in current law for other liquor-licensed drugstores to obtain additional licenses, as follows: 4 additional licenses between January 1, 2019, and January 1, 2022, for a maximum of 5 total licenses; 7 additional licenses between January 1, 2022, and January 1, 2027, for a maximum of 8 total licenses; 12 additional licenses between January 1, 2032, for a maximum of 13 total licenses; 19 additional licenses; and an unlimited number of additional licenses on or after January 1, 2037 (section 9); and
- Allows employees who are at least 18 years of age but under 21 years of age to sell or otherwise handle, but not deliver, malt, vinous, or spirituous liquors at licensed retail liquor stores and liquor-licensed drugstores (section 11).

The act adds fermented malt beverages to the list of alcohol beverages that cannot be consumed in public and authorizes a local government entity or, for state parks or other property under its jurisdiction, the parks and wildlife commission, by rule, ordinance, or resolution, as applicable, to authorize public consumption of any type of alcohol beverage in public areas, other than a public right of way, within the government entity's jurisdiction (section 11).

Section 10 specifies that when imposing a suspension or fine against a licensed retail establishment for selling alcohol beverages to a minor or visibly intoxicated person, the state or local licensing authority cannot consider violations that occurred more than 5 years before the current violation.

\$91,092 is appropriated from the liquor enforcement division and state licensing authority cash fund to the department of revenue to implement the act, with \$10,656 reappropriated to the department of law to provide legal services to the department of revenue.

APPROVED by Governor June 4, 2018

PORTIONS EFFECTIVE June 4, 2018 PORTIONS EFFECTIVE January 1, 2019 PORTIONS EFFECTIVE July 1, 2019

H.B. 18-1024 <u>Racing - title 12 recodification study - relocation</u>. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 12 that are administered by the department of revenue to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, section 1 of the act creates title 44 and section 2 relocates laws related to the regulation of racing from title 12 to the new title. Section 3 repeals the relocated laws from their current location. Sections 4 through 22 make conforming amendments necessitated by the relocation of the laws.

APPROVED by Governor March 7, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1025 <u>Liquor laws - title 12 recodification study - relocation - appropriation.</u> **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 12 that are administered by the department of revenue to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, the act creates title 44, relocates laws related to the regulation of alcohol beverages from title 12 to the new title, and repeals the relocated laws from their current location.

\$3,091 is appropriated for the 2018-19 fiscal year from the liquor enforcement division and state licensing authority cash fund to the department of revenue for use by the liquor and tobacco enforcement division to implement the act, allocated as follows:

- \$2,400 for personal services; and
- \$691 for operating expenses.

APPROVED by Governor April 23, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1026 Liquor enforcement division and state licensing authority cash fund - title 12 recodification study - relocation. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 12 that are administered by the department of revenue, as well as other isolated laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, section 1 of the act creates title 44 and section 2 relocates a law that creates the liquor enforcement division and state licensing authority cash fund from title 24 where principal departments are created to the new title. Section 3 repeals the relocated law from its current location.

Sections 4 and 5 make conforming amendments necessitated by the relocation of the law.

APPROVED by Governor March 7, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1027 <u>Regulation of lottery - Title 12 recodification study - relocation.</u> **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. One recommendation of the study is to relocate laws located in title 24 that are administered by the department of revenue to a new title 44, which will consist solely of laws administered by the department of revenue that regulate a variety of activities.

To implement this recommendation, the act creates title 44, relocates laws related to the regulation of lottery from title 24 to the new title, repeals the relocated laws from their current location, and makes conforming amendments necessitated by the relocation of the laws.

APPROVED by Governor March 15, 2018

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1096 Alcohol beverages - special event permits - eligible entities. The act:

- Adds to the list of organizations authorized to obtain a special event permit to sell alcohol beverages for a limited period an organization that is incorporated under Colorado law for educational purposes; and
- Removes the requirement that a special event permit be issued to a municipality only if the municipality owns an art facility and instead allows a special event permit to be issued to any municipality, county, or special district.

APPROVED by Governor March 15, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

STATUTES

H.B. 18-1075 Enactment of Statutes 2017. This act enacts the softbound volumes of Colorado Revised Statutes 2017, including the corrected replacement volume consisting of titles 42 and 43, as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1375 <u>Revisor's Bill.</u> T o improve the clarity and certainty of the statutes, this bill amends, repeals, and reconstructs various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the bill. The amendments made by the bill are not intended to change the meaning or intent of the statutes, as amended.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

TAXATION

S.B. 18-7 Income tax - renaming the low-income housing tax credit as the affordable housing tax credit - extension of period during which income tax credits may be allocated. The act changes the name of the existing low-income housing tax credit to the affordable housing tax credit.

The act extends the period during which the Colorado housing and finance authority may allocate affordable housing tax credits from December 31, 2019, to December 31, 2024.

The act also substitutes the terms "partner", "shareholder", "member", or "other qualified taxpayer" for the term "constituent taxpayer" in the existing statute.

APPROVED by Governor May 22, 2018

EFFECTIVE May 22, 2018

S.B. 18-88 <u>Retail marijuana sales tax - clarification of authority of local governmental entities</u> to levy. Before the enactment of Senate Bill 17-267, concerning the sustainability of rural Colorado, the state levied 2 sales taxes on retail marijuana sales: The 2.9% general state sales tax levied pursuant to article 26 of title 39, C.R.S., and the retail marijuana sales tax, a 10% special sales tax levied on retail marijuana sales only pursuant to article 28.8 of title 39, C.R.S. Senate Bill 17-267 increased the total rate of state sales tax levied on retail marijuana sales, as authorized by prior voter approval, by exempting retail marijuana sales from the 2.9% general state sales tax and increasing the rate of the retail marijuana sales tax from 10% to 15%, effective July 1, 2017.</u>

Because enabling statutes specify that the regional transportation district (RTD), the scientific and cultural facilities district (SCFD), and health service districts (HSD) may levy sales tax only on transactions upon which the state levies sales tax "pursuant to the provisions of article 26 of title 29, C.R.S.," the exemption of retail marijuana sales from the general state sales tax had the unintended consequence of exempting such sales from RTD, SCFD, and HSD sales taxes even though the state continues to levy the retail marijuana sales tax pursuant to article 28.8 of title 39, C.R.S. In addition, other statutes that empower certain special districts and authorities to levy sales taxes only upon transactions upon which the state levies sales tax, but do not specifically reference article 26, are sufficiently ambiguous that they could be interpreted to no longer authorize those special districts to levy sales tax on retail marijuana sales.

The act clarifies that:

- Retail marijuana sales remain subject to the sales taxes of the RTD, SCFD, and HSD and any other sales taxes that limited purpose governmental entities levied on retail marijuana sales before July 1, 2017;
- A metropolitan district, health assurance district, or health service district that levies sales tax may levy sales tax on retail marijuana sales regardless of whether or not the district was levying sales tax on such sales before July 1, 2017; and
- Any other special district or other limited purpose governmental entity that was not levying sales tax on retail marijuana before July 1, 2017, may not levy sales

tax on retail marijuana sales.

APPROVED by Governor February 22, 2018

EFFECTIVE February 22, 2018

S.B. 18-127 <u>Historical explanation of income tax rate modifications - repeal requirement to</u> <u>publish - department of revenue.</u> **Statutory Revision Committee.** The act repeals the requirement that the executive director of the department of revenue publish an historical explanation of income tax rate modifications enacted in the state on every income tax return form.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-129 <u>Sales and use tax - exemption for certain drugs and medical and therapeutic devices - reorganization of statute.</u> **Statutory Revision Committee.** In order to increase comprehensibility of the law exempting from state sales tax certain drugs and medical and therapeutic devices, the act:

- Condenses the 5 essentially identical definitions of the term "prescription" in existing law into a single definition;
 Relocates another defined term within that law so that all definitions are in the
- Relocates another defined term within that law so that all definitions are in the same place, which relocation necessitates relettering existing defined terms to maintain alphabetical order; and
- Makes other adjustments to the existing language by removing the false imperative, removing superfluous verbiage, and updating internal citations to conform to modern drafting format.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-141 Income tax - return form - voluntary contribution program - donate to a Colorado nonprofit fund - creation - queue - repeal. The act creates the donate to a Colorado nonprofit fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form in the first income tax year:

- In which the department of revenue (department) has received sufficient funding to implement the program;
- That begins on or after January 1, 2019; and
- That begins after a space becomes available and the fund is next in the queue.

If the space for the fund becomes available before all 3 conditions are met, the department must hold the space for the fund until all 3 conditions are met and include the line thereafter.

The line will allow a taxpayer to designate a contribution to an eligible charitable organization (eligible organization) of their choice. The secretary of state must provide a list of eligible organizations to the department. To be eligible, an organization must have been registered with the secretary under the "Colorado Charitable Solicitations Act" for at least 5 years, be in good standing as of the date the list is created, and be a nonprofit that is tax exempt under section 501 (c)(3) of the internal revenue code. A charity may request to exclude itself from the list. A taxpayer may choose a single charity from the list to receive the contribution through the fund.

Once the fund is placed on the form, the department will determine each year the total amount designated to the fund, and the total amounts designated to each eligible organization, and report those amounts to the state treasurer and the general assembly. The state treasurer will credit the total amount to the fund. The general assembly will appropriate from the fund to the department, the secretary of state, and the state treasurer their actual, reasonable costs for administering the fund.

After the appropriations for the administration of the fund are deducted, the state treasurer will distribute the contributions to the charities as designated by taxpayers after a reduction proportionate to the amount deducted from the fund for administration. The department is not liable to a taxpayer or charity for an error in distributing a contribution.

If the department does not raise sufficient funding to implement the program through gifts, grants, and donations by September 30, 2020, it must notify the revisor of statutes, and the program is repealed effective the date of the notice.

The fund is not subject to the time limitations and minimum contribution requirements imposed on voluntary contribution funds.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-179 <u>Tobacco products - tax calculation - adjustments instead of credits - extension</u> for out-of-state sales to consumers - record keeping - appropriation. A distributor of tobacco products was previously required to pay an excise tax on all tobacco products, but was then permitted to claim a credit for taxes paid on tobacco products that were sold to a retailer or consumer outside of the state, that were returned to the manufacturer, or that became bad debts. The act eliminates the credit and instead allows the distributor to deduct such amounts from the distributor's total gross purchases that are subject to the excise tax. As part of these changes, the tax expenditure for out-of-state sales to consumers, which as a credit was set to expire on September 1, 2018, is made permanent. In addition, a distributor is required to maintain certain records related to the out-of-state sales to consumers.

\$39,039 is appropriated to the department of revenue from the general fund, and \$1,200 is appropriated to the department of personnel from the department of revenue.

VETOED by Governor June 1, 2018

S.B. 18-259 <u>Retail marijuana - requirements for levying excise taxes - fencing and lighting</u> rules - appropriation. The act:

- Generally requires a county or municipality that levies excise tax on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility (retail marijuana excise tax) to levy the tax at a rate of up to 5% of the average market rate (the only basis for calculation allowed under current law) of the unprocessed retail marijuana if the transaction is between affiliated retail marijuana business licensees and at a rate of up to 5% of the contract price of the unprocessed retail marijuana if the transaction is between unaffiliated retail marijuana business licensees;
- As a temporary exception to the new general requirement that retail marijuana excise tax on transactions between unaffiliated marijuana business licensees be calculated based on the contract price of the unprocessed retail marijuana, allows a county or municipality which, before November 1, 2018, obtained voter approval to levy only an excise tax calculated based on the average market rate of the unprocessed retail marijuana and thereafter could not obtain voter approval for an amendment to allow the excise tax to be calculated based on the contract price for the unprocessed retail marijuana to continue to collect retail marijuana excise tax on such transactions based on an average market rate calculation until December 31, 2020;
- Clarifies that if a retail marijuana cultivation facility uses a retail marijuana transporter, as defined by existing law, to transport unprocessed retail marijuana being sold or transferred by the retail marijuana cultivation facility to a retail marijuana product manufacturing facility, a retail marijuana store, or another retail marijuana cultivation facility, the transportation of the unprocessed retail marijuana by the retail marijuana transporter is not a transfer of unprocessed retail marijuana for the purpose of levying a county or municipal retail marijuana excise tax; and
- Requires the executive director of the department of revenue, who is designated by existing law as the state licensing authority for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of medical and retail marijuana, to complete rule making on rules relating to fencing and lighting requirements for outdoor marijuana grows and greenhouses no later than January 1, 2019.

The act clarifies that a metropolitan district may levy only its general uniform sales tax on retail sales of marijuana and may not levy a special marijuana sales tax. The act also requires state retail marijuana excise tax to be calculated as 15% of the contract price if the first transfer of retail marijuana that has been harvested for sale at a retail marijuana store or extraction by a retail marijuana product manufacturing facility is between unaffiliated retail marijuana cultivation facilities.

The act appropriates \$15,480 to the department of revenue for tax administration IT system (GenTax) support.

APPROVED by Governor June 6, 2018

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1004 Income tax - child care contribution credit - extension. A taxpayer who makes a monetary contribution prior to January 1, 2020, to promote child care in the state is allowed an income tax credit that is equal to 50% of the total value of the contribution. The act extends the credit for 5 more years.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1022 <u>Sales and use tax - simplification task force - department of revenue issue</u> request for information. The act requires the department of revenue to issue a request for information for an electronic sales and use tax simplification system that the state or any local government that levies a sales or use tax, including a home rule municipality and county, could choose to use that would provide administrative simplification to the state and local sales and use tax system.

APPROVED by Governor March 1, 2018

EFFECTIVE March 1, 2018

H.B. 18-1060 Income tax - liability determination - military retirement benefits. The starting point for determining state income tax liability is federal taxable income. This number is adjusted for additions and subtractions (deductions) that are used to determine Colorado taxable income, which amount is multiplied by the state's 4.63% income tax rate. The act allows an individual who is under 55 years old and whose military retirement benefits are less than \$40,000 to claim a deduction in the following amount:

- For the 2019 income tax year, 25% of the individual's military retirement benefits;
- For the 2020 income tax year, 50% of the individual's military retirement benefits or \$10,000, whichever is less; and
- For the 2021 and 2022 income tax years, the individual's military retirement benefits or \$10,000, whichever is less.

The act also requires the department of revenue, as part of its tax profile and expenditure report, to estimate the number of individuals who claim the new deduction for the 2019 income tax year, and of those, the number who are first-time filers in the state.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1083 <u>Sales and use tax - exemption for aircraft used by an on-demand air carrier.</u> The act creates a sales and use tax exemption for aircraft used or purchased for use in interstate or intrastate commerce by an on-demand air carrier. The act specifies that a statutory town, city, or county may exempt the same items only by express inclusion of the exemption in its initial sales tax ordinance or resolution or by amendment thereto.

The act requires any special district or other limited purpose governmental entity that is authorized by law to levy sales tax upon all transactions or incidents with respect to which the state levies sales tax to levy a tax on the same items.

VETOED by Governor June 5, 2018

H.B. 18-1144 Modernize "disclosure of average taxes paid" table - department of revenue. **Statutory Revision Committee.** Current law requires the department of revenue (department) to provide the "Disclosure of Average Taxes Paid" table to taxpayers in the income tax booklet that the department mails to the taxpayer. However, the department no longer mails the income tax booklet to each individual taxpayer, instead making a physical copy available at local libraries and allowing the booklet to be downloaded from the department's website. The act changes the reference of "mails to" to "provides for" in order to reflect current practices.

Current law also requires the department to make the table available through the "NetFile" link on the department's website. Since that link is no longer available, the act removes the reference to that specific link and instead refers in general to the department's website and also requires the department to provide the table on the software platform that the department makes available to taxpayers to file individual income taxes.

APPROVED by Governor March 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1185 Income tax - corporate - apportionment rules for taxpayer that has income from the sale of services or the sale of intangible property. For income tax years commencing on and after January 1, 2019, the act generally replaces the method for sourcing of sales for purposes of apportioning the income of a taxpayer that has income from the sale of services or from the sale, lease, license, or rental of intangible property in both Colorado and other states from the cost-of-performance test in the case of services and the commercial domicile test in the case of intangible property to a market-based sourcing system. Under this new system, receipts for the sale of services or from the sale, lease, license, or rental of intangible property are apportioned to Colorado based not on where the service is performed, but where the service is delivered.

APPROVED by Governor June 4, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1190 Income tax - credit - "Colorado Job Creation and Main Street Revitalization Act"- modifications - extension of credit to 2029 income tax year. The act makes the following modifications to the existing "Colorado Job Creation and Main Street Revitalization Act":

- Adds a definition of a key term and streamlines and clarifies existing definitions;
- Adds subheadings to subsections to promote greater clarity;
- Extends the last income tax year for which the tax credit is available from 2019 to 2029;
- Separates provisions dealing solely with residential structures from provisions dealing solely with commercial structures to promote greater clarity;
- Current law increases the amount of the tax credit, measured by a percentage of the actual qualified rehabilitation expenditures, when the historic structure, whether commercial or residential, is located in a disaster area. The act also increases the amount of the tax credit when the structure is located in a rural community. The act allows a taxpayer to claim either additional amount, but not both additional amounts, for a structure.
- Requires the state historical society (society) to promulgate rules as necessary to further implement the tax credits to be claimed for the substantial rehabilitation of qualified residential structures. The society is also required to promulgate rules on standards for the approval of the substantial rehabilitation of qualified residential structures and related reporting requirements.
- In connection with the reservation of tax credits for qualified commercial structures, changes the existing requirements under which the Colorado office of economic development (office) uses a lottery process to determine the order in which it will review applications and plans received on the same day to a process under which the office must date and timestamp each application and review a plan and application on the basis of the order in which the documents were submitted;
- Streamlines procedures that the owner of a qualified commercial structure is to follow upon the completion of rehabilitation of the structure to obtain a tax credit certificate;
- For qualified commercial structures, regardless of the amount of estimated qualified rehabilitation expenditures, the bill maintains the aggregate amount of all tax credits that may be reserved for each of the 2020 through 2029 calendar years in the same amount as for the 2017 through 2019 tax years, at \$10 million, but specifies that the aggregate reservation amount of the \$10 million in tax credits in any tax year that may be reserved by the office must be equally split between large and small projects for qualified commercial structures;
- Deletes existing provisions specifying the aggregate amount of tax credits that may be issued for particular income tax years;
- Deletes a reporting requirement that required the society to provide a report to the department of revenue by March 15, 2019, and on a quarterly basis thereafter specifying the ownership of tax credits (as well as transfers of tax credits in the case of tax credits for qualified commercial structures) to be claimed for the rehabilitation of qualified residential and commercial structures covering the period since the last report;
- Makes permissive, instead of mandating, an existing provision that required the office, in consultation with the society, to promulgate rules necessary to further

implement the tax credits to be claimed for the substantial rehabilitation for qualified commercial structures; and

• Clarifies that certain requirements found in existing law are intended to apply only to tax credits issued for qualified commercial structures.

APPROVED by Governor May 30, 2018 PORTIONS EFFECTIVE May 30, 2018 PORTIONS EFFECTIVE January 1, 2020

H.B. 18-1202 Income tax - credit - organ donation - expenses for employee's leave of absence. For 5 income tax years beginning January 1, 2020, an employer is allowed an income tax credit that is an amount equal to 35% of the employer's expenses incurred:

- Paying an employee during his or her leave of absence period, which is paid leave given to an employee for the purpose of making an organ donation, but which does not exceed 10 working days or the hourly equivalent thereof; and
- For the cost of temporary replacement help, if any, during an employee's leave of absence period.

An employer shall not claim a tax credit related to a leave of absence period for an employee who the employer pays wages of \$80,000 or more during the income tax year. The tax credit is not refundable, but unused credits may be carried forward up to 5 years. Upon request of the department of revenue as part of an audit, a taxpayer must provide the department of revenue with documentation from the employee's medical provider that verifies the employee's organ donation. The department is granted an exception from a law that prohibits it from requesting medical records or medical information.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1208 Income tax - tax credit - child care expenses - increase. Currently, a resident individual with a federal adjusted gross income of \$60,000 or less is allowed a state income tax credit for child care expenses that is a percentage of a similar federal income tax credit claimed. For individuals with adjusted gross income that is greater than \$25,000 and less than or equal to \$60,000, the act increases the amount of the state credit to be 50% of the federal credit, which is the same percentage as people who have adjusted gross income that is \$25,000 or less.

APPROVED by Governor May 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1217 Income tax - credit for employer contributions to 529 qualified state tuition programs of employees. The act creates an income tax credit for income tax years commencing on or after January 1, 2019, but prior to January 1, 2022, for employers that

make contributions to 529 qualified state tuition program accounts owned by their employees in an amount equal to 20% of the contribution, not to exceed \$500.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1218 <u>Sales and use tax - definition of "charitable organization"</u>. For purposes of state sales and use tax, a "charitable organization" includes veterans' organizations as defined in federal law, but such organizations are limited to those that sponsor special events, meetings, or other functions in the state that are not part of the organization's regular activities in the state. In other words, a veterans' organization may not claim the charitable organization sales and use tax exemption for its regular activities in the state. This limitation is not found in the federal tax law granting veterans' organizations federal tax exempt status. The act makes state law consistent with federal law and treats veterans' organizations registered under section 501 (c)(19) of the federal internal revenue code the same way as veterans' organizations registered under section 501 (c)(3) of the federal internal revenue code.

APPROVED by Governor June 6, 2018

EFFECTIVE July 1, 2018

H.B. 18-1267 Income tax - retrofits to an individual's residence for increased visitability - tax credit - appropriation. For income tax years beginning on or after January 1, 2019, but before January 1, 2024, the act provides a income tax credit to an individual who retrofits or hires someone to retrofit the individual's residence. The act specifies that the retrofit must:

- Be necessary to ensure the health, welfare, and safety of a qualified individual;
- Increase the residence's ease of access for persons with disabilities;
- Enable greater accessibility and independence in the residence for a qualified individual;
- Be required due to illness, impairment, or disability of a qualified individual; and
- Allow an individual whose family income is below a specified amount to age in place.

\$132,328 is appropriated from the general fund to the department of local affairs to implement the act.

APPROVED by Governor May 30, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1283 Property tax - destruction, demolition, or relocation of residential improvements - residential land classification to remain in place. On or after January 1, 2018, if residential improvements are destroyed, demolished, or relocated, and, were it not for their

destruction, demolition, or relocation, the improvements would have qualified the land upon which the improvements were located as residential land for the following property tax year, the act requires the residential land classification to remain in place for the year in which the improvements were destroyed, demolished, or relocated and one subsequent property tax year if the assessor determines that evidence is present that the owner intends to rebuild or locate a residential improvement on the land. For purposes of making this determination, the assessor may consider, but is not limited to considering, a building permit or other land development permit for the land, construction plans for such residential improvement, or efforts by the owner to obtain financing for a residential improvement.

The residential land classification of the land must change according to current use if:

- A new residential improvement or part of a new residential improvement is not constructed or placed on the land in accordance with applicable land use regulations before January 1 of the property tax year immediately following the 2-year period described in the act;
- The assessor determines that the classification of the land at the time of the destruction, demolition, or relocation was erroneous; or
- A change of use has occurred. For purposes of the act, a change of use does not include the temporary loss of the residential use due to the destruction, demolition, or relocation of the residential improvement.

APPROVED by Governor May 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1305 Income tax - return form - voluntary contribution program - Young Americans Center for Financial Education fund - creation - queue - minimum contributions required when - repeal. The act creates the Young Americans Center for Financial Education fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue (department) certifies to the revisor of statutes that:

- There is a space available on the form; and
- The fund is next in the queue.

Once the fund is placed on the form, the department is directed to determine annually the total amount contributed to the fund and report that amount to the state treasurer and the general assembly. The state treasurer is required to credit that amount to the fund, and the general assembly appropriates from the fund to the department the costs of administering money designated for the fund. After that amount is deducted, the money remaining in the fund at the end of a fiscal year is transferred to the Young Americans Center for Financial Education, a nonprofit organization.

Following the statutory 2-year grace period for new tax check-offs, the fund is required to achieve the minimum contribution amount of \$50,000 per year to remain on the form. The fund is repealed in the sixth income tax year following the year in which the director files the

certification, unless it is continued by the general assembly before then.

APPROVED by Governor May 4, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1315 <u>Sales tax - manufactured homes.</u> The act exempts the entire purchase price of the sale of manufactured homes constructed in compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974" from state sales and use tax. The exemption automatically applies to a special district or other limited purpose authority that has the same tax base as the state, but does not apply to a statutory municipality or county unless it creates a local exemption based on the state exemption.

APPROVED by Governor May 24, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1350 <u>Sales and use tax - machinery and machine tools - processing scrap metal.</u> Purchases of machinery or machine tools to be used in Colorado directly and predominantly in manufacturing tangible personal property are currently exempt from state sales and use tax. Manufacturing is currently defined to include the processing of recovered materials. The act expands the definition of recovered materials to include materials that have been derived from scrap metal or end-of-life-cycle metals for remanufacturing, reuse, or recycling into new metal stock that meets applicable standards for metal commodities sales. The act makes an appropriation.

APPROVED by Governor June 6, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.
TRANSPORTATION

S.B. 18-1 Transportation infrastructure funding - general fund transfers to cash funds - contingent authorization for issuance of transportation revenue anticipation notes - contingent partial repeal of state lease-purchase agreement funding for transportation - creation of multimodal transportation options fund. Section 2 of the act dedicates general fund money to transportation infrastructure funding as follows:

- On July 1, 2018, \$495 million is transferred from the general fund as follows:
 \$346.5 million to the state highway fund;
 - \$74.25 million to the highway users tax fund (HUTF) for initial allocation in equal shares to all counties and all municipalities as specified in section 5 and further allocation to each county and municipality in accordance with the existing "second stream" statutory formulas for distribution of HUTF money as specified in sections 7 and 8; and
 - \$74.25 million to a new multimodal transportation options fund, which is created in section 12, for the purpose of funding multimodal transportation projects and operations throughout the state as specified in section 12;
- On July 1, 2019, \$150 million is transferred from the general fund as follows:
 - \$105 million to the state highway fund;
 - \$22.5 million to the HUTF for initial allocation in equal shares to all counties and all municipalities as specified in section 5 and further allocation to each county and municipality in accordance with the existing "second stream" statutory formulas for distribution of HUTF money as specified in sections 7 and 8; and
 - \$22.5 million to a new multimodal transportation options fund, which is created in section 12, for the purpose of funding multimodal transportation projects and operation throughout the state as specified in section 12;
- On June 30, 2020, and on each succeeding June 30 through June 30, 2039, \$50 million is transferred from the general fund to the state highway fund; except that:
 - If a citizen-initiated ballot issue that authorizes the state to issue transportation revenue anticipation notes (TRANs) but does not authorize the state to collect additional tax revenue for the purpose of providing a revenue source for repayment of the TRANs is approved by the voters of the state at the November 2018 general election, the transfers do not occur; and
 - If, pursuant to section 10, a state-referred ballot issue that authorizes the state to issue TRANs is approved by the voters of the state at the November 2019 statewide election, the amount of each transfer is increased to \$122.6 million.

In 2017, the general assembly enacted Senate Bill 17-267 (SB 267), concerning the sustainability of rural Colorado, which requires the state to enter into a total of \$1.88 billion of lease-purchase agreements and to use the proceeds of the lease-purchase agreements to fund transportation projects and specifically requires the state to enter into \$380 million of the lease-purchase agreements in the 2018-19 state fiscal year and \$500 million of such

agreements in each of the 2019-20, 2020-21, and 2021-22 state fiscal years. Section 3 repeals the requirement that the state enter into \$500 million of lease-purchase agreements in each of the 2019-20, 2020-21, and 2021-22 state fiscal years if either:

- A citizen-initiated ballot issue that authorizes the state to issue TRANs but does not authorize the state to collect additional tax revenue for the purpose of providing a revenue source for repayment of the TRANs is approved by the voters of the state at the November 2018 general election; or
- Pursuant to section 10, a state-referred ballot issue that authorizes the state to issue TRANs is approved by the voters of the state at the November 2019 statewide election.

Section 4 requires the department of transportation (CDOT) to conduct or contract with an independent third party to conduct a data driven study of the use of managed lanes throughout the state. CDOT must report the results of the study to the house transportation and energy committee and the senate transportation committee of the general assembly during CDOT's 2018 "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing. Section 6 requires CDOT to add to its existing annual report to those committees regarding its receipt and use of certain revenue, the general fund money transferred to the state highway fund pursuant to section 2 and any net proceeds of TRANs issued if, pursuant to section 10, a state-referred ballot issue that authorizes the state to issue TRANs is approved by the voters of the state at the November 2019 statewide election.

Unless a citizen-initiated ballot issue that authorizes the state to issue TRANs is approved by the voters of the state at the 2018 general election, section 10 requires referral of a ballot question to the voters of the state at the November 2019 statewide election, which, if approved:

- Would authorize the executive director to issue additional TRANs in a maximum principal amount of \$2.337 billion and with a maximum repayment cost of \$3.25 billion; and
- Would repeal the requirement that the state enter into \$500 million lease-purchase agreements in each of the 2019-20, 2020-21, and 2021-22 state fiscal years.

Any TRANs issued following approval of the referred ballot measure must have a maximum repayment term of 20 years, the certificate, trust indenture, or other instrument authorizing their issuance must provide that the state may pay the TRANs in full before the end of the specified payment term without penalty, and the transportation commission must agree that it intends to annually allocate from legally available money under its control any money needed for TRANs payments until the TRANs are fully repaid.

Section 11 requires TRANs proceeds not otherwise pledged for TRANs payments to be allocated as follows:

• 85% to the state highway fund for expenditure by CDOT only for qualified federal aid transportation projects that are included in CDOT's strategic transportation project investment program and designated for tier 1 funding as 10-year development program projects on CDOT's development program project list. At least 25% of the TRANs net proceeds must be used for projects in counties with populations of 50,000 or less.

• 15% to a new transportation revenue anticipation notes proceeds account (account) of the multimodal transportation options fund (fund).

Section 12 creates the fund and the account. General fund money transferred to the fund pursuant to section 2 and TRANs net proceeds credited to the account pursuant to section 11 must be expended as follows:

- 85% for local multimodal transportation projects, which, except for net proceeds of tax-exempt TRANs, must be distributed pursuant to a formula developed by the transportation commission based on population and transit ridership in consultation wih the transportation advisory committee, CDOT's transit and rail advisory committee, and transit and bicycle and pedestrian advocacy organizations; and
- 15% for state multimodal transportation projects selected by the transportation commission.

Section 12 also requires CDOT to annually report to the transportation legislation review committee regarding its expenditures from the fund and the account.

APPROVED by Governor May 31, 2018 PORTIONS EFFECTIVE May 31, 2018 PORTIONS EFFECTIVE upon Governor's declaration of the vote on specified ballot issues

S.B. 18-268 Design bid build highway project contracts - authority of department of transportation to award in amounts exceeding department estimates - public posting of contracting opportunities. If there are fewer than 3 bidders on a design bid build highway project, department of transportation (CDOT) generally may not award a contract in an amount that is more than 10% over CDOT's estimate on the project, but state law allows the executive director of CDOT (executive director) to award a contract that is more than 10% but less than 25% over the estimate if the estimate is less than \$1,000,000. The act authorizes a designee of the executive director to award such a contract.

Another provision of state law, which had been scheduled to repeal on July 1, 2018, authorizes the executive director to award a contract for a design bid build highway project to the low responsible bidder regardless of CDOT's estimate on the project if the executive director determines that it is in the best financial, economic, or other interest of the state to do so and requires CDOT, in its annual report to its legislative oversight committees, to explain the reasons for making the award and estimate the amount of cost savings achieved by making any such award. The act continues the authorization and reporting requirements. The act also requires the department to prominently post on its website a list of each state transportation project for which the department is seeking a contractor.

APPROVED by Governor May 29, 2018

EFFECTIVE May 29, 2018

H.B. 18-1137 Department of public safety - department of transportation - reporting requirements. The act continues reporting requirements of the department of transportation and the department of public safety that would otherwise have been scheduled to expire on

TRANSPORTATION

the third anniversary of the date on which the first report was due.

APPROVED by Governor March 29, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1349 Acquisition and disposition of real property by department of transportation <u>-use of waiver valuations</u>. Subject to certain specified conditions, federal law and regulations authorize a state department of transportation to prepare a waiver valuation, rather than a formal appraisal, to value both real property that it seeks to acquire for a federal aid transportation project and real property that it owns and seeks to dispose of if the anticipated value of the real property is \$25,000 or less. Accordingly, state law had allowed the department of transportation (CDOT) to prepare a waiver valuation for real property with an anticipated value of \$25,000 or less when valuing real property that it seeks to acquire. However, state law was more restrictive than federal law and regulations with respect to property that CDOT owns and seeks to dispose of and had allowed CDOT to use waiver valuations to value such property only if the anticipated value of the real property is \$5,000 or less.

In order to fully harmonize state law governing waiver valuations with federal law and regulations, the act authorizes CDOT to use waiver valuations for the valuation of real property that CDOT owns and seeks to dispose of if the real property is anticipated to have a value of \$25,000 or less. The act also:

- Clarifies that a waiver valuation is not an appraisal; and
- Amends the definition of "real estate appraiser" to clarify that an individual, including an individual who is a licensed or certified real estate appraiser, is not an appraiser for purposes of the state laws regulating appraisers when the individual performs a waiver valuation.

APPROVED by Governor May 24, 2018

EFFECTIVE May 24, 2018

WATER AND IRRIGATION

S.B. 18-19 <u>Colorado water resources and power development authority - revolving loans - limitation on duration of loans removed.</u> Pursuant to the federal clean water act and the federal "Safe Water Drinking Act", the Colorado water resources and power development authority (authority) makes loans from its water pollution control revolving fund and its drinking water revolving fund. Under state law, the duration of any water pollution control loan made by the authority must not exceed 20 years after project completion; however, the federal clean water act now allows for loans up to the lesser of 30 years or the projected useful life of the project, as determined by the state. The act removes the 20-year limitation on water pollution control loans and authorizes the authority to make loans in compliance with the clean water act and the "Safe Water Drinking Act".

APPROVED by Governor March 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-41 <u>Plans for replacement or substitute supply - sand and gravel mines - incidental uses.</u> Current law requires operators of sand and gravel open mines that expose groundwater to the atmosphere to obtain a well permit and either: A replacement plan approved by the ground water commission for designated groundwater; or a plan for augmentation approved by the water court or a plan of substitute supply approved by the state engineer for tributary groundwater. The act specifies that the replacement plan (in section 1 of the act) or the plan for augmentation or of substitute supply (in section 2) and the permit may authorize uses of water incidental to open mining for sand and gravel, including specifically (among other things) the mitigation of impacts from mining and dewatering.</u>

APPROVED by Governor March 1, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-170 Water storage rights - newly constructed or enlarged reservoirs - fish and wildlife mitigation plan - mitigation release - protection from diversion and use. The act establishes a water court process by which an owner of a water storage right allowing water to be stored in a newly constructed reservoir or an enlarged existing reservoir may comply with the mitigation measures identified in a fish and wildlife mitigation plan by contracting with the Colorado water conservation board to dedicate to the board, pursuant to a water court decree, an amount of water for release into, and protection from diversion and use through, a qualifying stream reach to avoid, minimize, or mitigate the probable impacts that the newly constructed or expanded reservoir has on fish and wildlife resources.

APPROVED by Governor April 12, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 18-218 Colorado water conservation board construction fund - project and loan authorizations - appropriations - transfers. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund (fund) to the CWCB or the division of water resources in the department of natural resources for the following projects:

- Continuation of the satellite monitoring system maintenance, \$380,000 (section • 1 of the act):
- Continuation of the Colorado floodplain map modernization program, \$100,000 (section 2);
- Continuation of the Arkansas river decision support system, \$500,000 (section 3);
- Continuation of the weather modification program, \$175,000 (section 4);
- Continuation of the Colorado Mesonet, \$150,000 (section 5); •
- Continuation of the water forecasting partnership project, \$800,000 (section 6);
- •
- Acquisition of lidar data, \$200,000 (section 7); Continuation of technical assistance for the federal irrigation improvement cost-sharing program, \$200,000 (section 8);
- Continuation of the Chatfield Reservoir channel improvements program, \$200,000 (section 9);
- South Platte river basin groundwater level data collection, analysis, and remediation, \$500,000 (section 10);
- Central Colorado water conservancy district Chatfield reservoir reallocation project, \$511,894.20 (section 11); and
- Continuation of the watershed restoration program, \$2 million (section 12).

Section 13 directs the state treasurer to transfer \$30 million from the loan guarantee fund to the severance tax perpetual base fund on June 30, 2018. Section 14 authorizes the CWCB to loan up to \$17,170,000 from the severance tax perpetual base fund to the Pueblo conservancy district to repair the levees within the City of Pueblo to bring the levees up to federal emergency management agency standards. Section 15 transfers \$4 million on June 30, 2018, from the severance tax perpetual base fund to the fund for the Chatfield reservoir reallocation project; section 16 appropriates this money to the board for this purpose. Section 17 increases loan authorizations from the severance tax perpetual base fund for the Chatfield reservoir reallocation project in the following amounts:

- Centennial water and sanitation district, an increase of \$9,046,267 for a total of \$53,486,267;
- Central Colorado water conservancy district, an increase of \$1,548,229 for a total of \$29,999,929; and
- Castle Pines north metro district, an increase of \$1,319,464 for a total of \$7,773,364.

Section 18 appropriates \$8 million to the department of natural resources from the fund for Republican river matters.

The state treasurer will make the following transfers from the fund:

- Up to \$500,000 on July 1, 2018, to the flood and drought response fund (section 19):
- Up to \$2 million on July 1, 2018, to the litigation fund (section 20);

- \$500,000 on July 1, 2018, to the feasibility study small grant fund (section 21); and
- \$2 million on June 30, 2018, to the water supply reserve fund (section 22).

Section 23 appropriates \$7 million from the fund to the CWCB for continuing implementation of the Colorado water plan as follows:

- Up to \$3 million to facilitate the development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs;
- Up to \$1 million for agricultural projects;
- Up to \$1 million for grant funding to implement long-term strategies for conservation, land use, and drought planning;
- Up to \$500,000 for grants for water education, outreach, and innovation efforts; and
- Up to \$1.5 million for environmental and recreational projects.

Section 24 changes a prohibition against using the fund for "domestic water treatment and distribution systems" to exclude only "water treatment facilities".

Section 25 increases the amount of money that the CWCB may authorize the state treasurer to transfer from the fund to the emergency dam repair cash fund from \$50,000 to \$500,000 and continuously appropriates the money in the emergency dam repair cash fund to the division of water resources in addition to the CWCB for the emergency repair of dams;

Section 26 extends the repeal of the natural hazard mapping fund from July 1, 2018, to July 1, 2019.

Section 27 specifies that the money transferred from the Colorado healthy rivers fund to the fund is continuously appropriated to the CWCB.

APPROVED by Governor May 30, 2018

EFFECTIVE May 30, 2018

H.B. 18-1073 <u>Water districts - contracts - capacity in works.</u> The act authorizes water districts, including water activity enterprises, to enter into contracts for water and the excess capacity in works such as reservoirs and transmission facilities and allows the contracts to be based on municipalities' authority to contract for water and sewer facilities. It also specifies that water conservancy districts' contracts can be for municipal and industrial use by the recipient of the water.

APPROVED by Governor March 22, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 18-1199 <u>Ground water commission - aquifer storage-and-recovery plans - rule-making.</u> The act authorizes a person to apply to the ground water commission for approval of an aquifer storage-and-recovery plan within a designated groundwater basin and requires the commission to promulgate rules governing the application process and the requirements that an aquifer storage-and-recovery plan must meet to be approved.

APPROVED by Governor April 9, 2018

EFFECTIVE August 8, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CONCURRENT RESOLUTIONS

S.C.R. 18-3 <u>Industrial hemp - statutory definition</u>. Currently, industrial hemp is defined in the Colorado constitution. The resolution removes the specific definition from the constitution and either defines industrial hemp pursuant to the federal statutory definition or as the term is defined in state statute.

S.C.R. 18-4 <u>Congressional redistricting - independent congressional redistricting</u> commission - composition of commission - commissioner requirements and prohibitions - <u>limited judicial review of maps - communities of interest and political subdivisions - maximization of competitive seats - prohibition of maps that dilute electoral influence.</u> If approved by the registered electors of the state of Colorado at the general election on November 6, 2018, the independent congressional redistricting commission (commission) is created in the state constitution and the general assembly's responsibility to divide the state into congressional districts is transferred to the commission. In connection with the creation of the commission:</u>

- The commission is appointed after each federal decennial census of the United States;
- The commission consists of 12 members, 4 of whom must be registered with the state's largest political party, 4 of whom must be registered with the state's second largest political party, and 4 of whom must not be registered with any political party;
- The method by which commissioners are appointed to the commission and the qualifications to serve on the commission are established;
- The commission is authorized to adopt rules;
- The staffing, funding, and organization of the commission and the ethical obligations of the commissioners are specified;
- The commission is required to provide the opportunity for public involvement, including multiple hearings, the ability to propose maps, and to testify at commission hearings;
- The commission hearings must comply with state statutes regarding open meetings;
- Paid lobbying of the commission must be disclosed to the secretary of state by the lobbyist within 72 hours of when the lobbying occurred or when the payment for lobbying occurred, whichever is earlier;
- Prioritized factors for the commission to use in drawing districts are established and include federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts;
- The commission is prohibited from approving a map if it has been drawn for the purpose of protecting one or more members of or candidates for congress or a political party, and current federal law and related existing federal requirements that prohibit maps either drawn for the purpose of or that result in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group are codified;
- At least 8 of the 12 commissioners, including at least 2 of the commissioners who are not registered with any political party, are required to approve a redistricting map, and the date by which a final map must be approved is

specified;

- Nonpartisan staff draft a preliminary redistricting map and up to 3 additional maps, and, in the event of deadlock by the commission, a process is created by which nonpartisan staff submit a final map to the Supreme Court for review based on specified criteria; and
- Judicial review of a commission-approved or nonpartisan-staff-submitted redistricting map is authorized, and the Supreme Court review is limited to whether the commission or the staff committed an abuse of discretion.

S.C.R. 18-5 State house and state senate reapportionment - independent legislative redistricting commission - composition of commission - commissioner requirements and prohibitions - limited judicial review of maps - communities of interest and political subdivisions - maximization of competitive seats - prohibition of maps that dilute electoral influence. If approved by the registered electors of the state of Colorado during the general election on November 6, 2018, the independent legislative redistricting commission (commission) is created in the state constitution to divide the state into state senate and state representative legislative districts. In connection with the creation of the commission:

- The commission is appointed after each federal decennial census of the United States;
- The commission consists of 12 members, 4 of whom must be registered with the state's largest political party, 4 of whom must be registered with the state's second largest political party, and 4 of whom must not be registered with any political party;
- The method by which commissioners are appointed to the commission and the qualifications to serve on the commission are established;
- The commission is authorized to adopt rules;
- The staffing, funding, and organization of the commission and the ethical obligations of the commissioners are established;
- The commission is required to provide the opportunity for public involvement, including multiple hearings, the ability to propose maps, and to testify at commission hearings;
- The commission hearings must comply with state statutes regarding open meetings;
- Paid lobbying of the commission is required to be disclosed to the secretary of state by the lobbyist within 72 hours of when the lobbying occurred or when the payment for lobbying occurred, whichever is earlier;
- Prioritized factors for the commission to use in drawing districts are established and include federal requirements, the preservation of communities of interest and political subdivisions, and maximizing the number of competitive districts;
- The commission is prohibited from approving a map if it has been drawn for the purpose of protecting one or more members of or candidates for state legislative office or a political party, and current federal law and related existing federal requirements prohibiting maps drawn for the purpose of or that results in the denial or abridgement of a person's right to vote or electoral influence on account of a person's race, ethnic origin, or membership in a protected language group, are codified;
- At least 8 of the 12 commissioners, including at least 2 of the commissioners who are not registered with any political party, are required to approve a redistricting map and the date by which a final map must be approved is

specified;

- Nonpartisan staff will draft a preliminary redistricting map and up to 3 additional maps, and, in the event of deadlock by the commission, a process is created by which nonpartisan staff submit a final map to the Supreme Court for review based on specified criteria; and
- Judicial review of a commission approved or nonpartisan staff submitted redistricting map is authorized, and the Supreme Court review is limited to whether the commission or the staff committed an abuse of discretion.

H.C.R. 18-1001 Judicial retention elections - ballot language. Under the current language in the state constitution, county clerks are required to write a separate retention question for each justice or judge standing for retention. The proposed referendum would allow county clerks to write a single ballot question for each level of courts, shortening and simplifying the ballot.

H.C.R. 18-1002 <u>Slavery and involuntary servitude - existing prohibition extended to all circumstances.</u> If approved at the November 6, 2018, general election by a statewide majority vote, the concurrent resolution will prohibit slavery and involuntary servitude in all circumstances by amending the Colorado constitution to repeal the exception to the existing constitutional prohibition on slavery and involuntary servitude that allows slavery or involuntary servitude as punishment for a crime for which an individual has been duly convicted.

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